SB

264

BILL CONTACT/ACTION

DATE	CONTACT/ACTION
	Kane
	courts Kavin forsythe } notified of 4/29 meeting
	DHSS - Novinna Irving (3030)
4/30	notified of mtng today - DHSS
5/6	notified Novinna Irving of mtng today

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

M E M O R A N D U M May 3, 1985

SUBJECT: Sectional Analysis of CSSB 264 (Jud)

TO: Senator Patrick Rodey
Chairman, Senate Judiciary Committee
Attn: Kevin Bruce

FROM: George W. Edwards GWE
Legislative Counsel

This is in response to your request for a sectional analysis of SB 264.

Section 1 AS 12.55.015 is amended by adding a new subsection that provides that when a court sentences a minor over whom children's court jurisdiction has been waived under AS 47.10.060, the court shall order that the minor be confined in a juvenile correctional facility until age 18 and then transferred to an adult facility if more than one year of the person's sentence remains to be served.

Section 2 AS 12.55.125 is amended by adding a new subsection that provides that a minor convicted for a first felony after waiver into adult court is not subject to mandatory or presumptive sentencing.

Section 3 AS 34.50.020(a) is amended to provide that except as provided in subsection (e) a person, municipal corporation, association, village, school district, or religious or charitable organization may recover civil damages not to exceed $5,000, rather than the former $2,000, for willful or malicious destruction of property by a juvenile.

Section 4 AS 34.50.020 is amended by adding new subsections. Subsection (c) provides that for purposes of this section a minor is considered emancipated and the minor's parent, guardian, or legal custodian is not liable for property damage caused by the minor if

(1) the disabilities of minority have been removed under AS 09.55.590;

(2) the minor is a state resident at least 16 years old, living separate from parent, guardian, or legal custodian, and capable of self-support and management of personal affairs; or

(3) the minor is living separate from parent, guardian, or legal custodian and engages in conduct that results in a judgment under AS 47.10.080(a) of delinquency that is the basis for a civil action for damages to property under this section.

Subsection (d) provides that if a court determines a minor to be emancipated under subsection (c) the minor may be sued civilly as if the minor were an adult.

Subsection (e) provides that the provisions of subsection (a) do not apply when the minor who causes damage is in the custody of the state under AS 47.10.080(f).

Section 5 AS 47.10.020(a) is amended to provide that when a court informally disposes of a juvenile matter it shall disclose to the victim, upon request, the manner in which it disposed of the matter. The court may not disclose the identity of the minor under this section.

Section 6 AS 47.10.060 is repealed and reenacted. In subsection (a) it provides that a court may close a juvenile case and permit the minor to be prosecuted as an adult subject to the sentencing provisions of AS 12.55.015(e) if the court finds at a hearing that

(1) the minor was at least 16 at the time of the offense and there is probable cause to believe the minor committed an unclassified felony felony; or

(2) the minor is not amenable to treatment as a juvenile and there is probable cause to believe that the minor is delinquent.

Subsection (b) provides that in determining whether a minor is amendable to treatment a court must consider numerous factors that concern the offense, the minor's background, available treatment resources, and the likelyhood of rehabilitation.

Subsection (c) provides for consideration of these factors in a decision on amendability to treatment and requires a written decision. It requires that minor's waived out of children's court jurisdiction must be prosecuted as adults.

Subsection (d) provides that a minor awaiting sentencing as an adult under this section must be held in an institution for offenders under 18 years of age.

Subsection (e) defines "not amendable to treatment" as a high probability that a minor cannot be rehabilitated while under children's court jurisdiction.

Section 7 AS 47.10.080(a) is amended to provide that after disposition of a juvenile case the court must disclose the results to the victim as required in AS 47.10.020(a).

Section 8 AS 47.10.090 is amended by adding a new subsection permiting disclosure of that information to a victim or a victim's parents under AS 47.10.020(a), 47.10.080(a), or 47.10.140(d).

Section 9 AS 47.10 is amended by adding a new section 47.10.125:

FINGERPRINTING OF MINORS. Subsection (a) provices that a law enforcement agency or the Department of Health and Social Services may fingerprint a minor only

(1) with a search warrant;

(2) when the minor is prosecuted as an adult under AS 47.10.060(a);

(3) when the minor is in custody for an offense that if committed by an adult would constitute a felony and the fingerprints are needed to further the investigation;

(4) when the minor is adjudicated a delinquent for commission of an offense that would have been a felony if committed by an adult;

(5) upon consent of both the minor and the minor's parent or legal guardian who have been advised that the fingerprints cannot be taken without their consent; and

(6) by order of the court.

Subsection (b) requires that fingerprints of minors be kept separate from those of adults, kept within the state rather than at a federal central depository, and made available only to public agencies for investigation purposes or to the minor or the minor's attorney.

Subsection (c) requires that fingerprints taken under this section be destroyed by the authority charged with their maintenance when the minor is found not to be under court jurisdiction for the offense charged or the minor is not adjudicated on the offense within two years.

Section 10 AS 47.10.130 is amended to prohibit detention of a minor in a jail such that the minor can view or communicate with prisoners 18 years of age or older except those incarcerated under children's court jurisdiction.

Section 11 AS 47.10.140(d) is amended to require the court to disclose the results of a juvenile probable cause hearing to the victim under AS 47.10.020(a).

Section 12 AS 47.10.190 is amended to prohibit detention of a minor in a jail such that the minor can view or communicate with prisoners 18 years of age or older except those incarcerated under children's court jurisdiction.

Sections 13-14 Rule 24 of the Alaska Rules of Children's Procedure is amended to eliminate the existing court restriction on fingerprinting as proposed in this Act.

Sections 15-16 Children's Rule 24 is amended by adding a new section that provides that a child may not be fingerprinted while in custody except in accordance with AS 47.10.125.

GWE:ojb
J14/076

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSSB 264 (HESS)

Neutral

February 21, 1986

The Department supports the provisions of Sections 1 - 7.

Section 8, AS 47.10.125 (g), requires that we maintain files separate from adults. This would serve no practical purpose since our files are kept in a computer. We could keep them in state without a problem and the hard copy could be kept in separate cabinets, but the data from the minutia should be in the computer.

Fingerprints obtained under this section should not be purged.

Prince George County in Maryland has an Automated Fingerprint System. They also fingerprint juveniles. They found their data base consists of 6% juveniles and 94% adults. Over half of the latent prints identified, using their equipment, are identified as juvenile prints contained in their files.

Robert J. Sundberg

BILL SHEFFIELD, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

POUCH H-05
JUNEAU, ALASKA 99811
PHONE: (907) 465-3170

September 20, 1985

The Honorable Max Gruenberg
Alaska State House
Pouch V
Juneau, AK 99811

Dear Representative Gruenberg:

Pursuant to a recent request from Nancy Bennett of your staff, we prepared information reflected below on youths over whom juvenile court jurisdiction has been waived.

Definitive data on the subject of waiver are difficult to obtain since such data is not routinely collected by any of the involved agencies. And, un ortunately, much of the information used in discussion of this subject is generalization based on limited personal experience in one or two cases, or unverifiable anecdotal information. The information presented below may not represent a complete profile of juvenile waivers in Alaska due to data and research limitations discussed in later paragraphs. However, it does represent the best available verified information, and as such presents a reliable profile of what is probably the majority of waiver cases during the period.

According to the best information available, 23 youths were waived from juvenile jurisdiction and subsequently convicted of a crime in the adult criminal justice system in the years 1981 through 1984. The following is a breakdown of these cases by type of crime and number of youths convicted.

Murder 1st Degree	7	Distribution of Drugs (Degree Unknown)	1
Murder 2nd Degree	1		
Sexual Assault 1st Degree	2	Escape 3rd Degree	1
Sexual Assault 2nd Degree	2	Theft 2nd Degree	1
Manslaughter	1	Criminal Mischief 2nd Degree	1
Burglary 1st Degree	1	Possession of Marijuana	1
Burglary 2nd Degree	3	Minor Consuming	1

A breakdown of the ages of these youth at the time they committed the offense leading to their waiver and conviction is as follows: age 17 - 11, age 16 - 3, age 15 - 2, and unknown - 7.

Because of the need for objective data on this subject, probation officers employed by the Division of Family and Youth Services were asked several years ago to check their intake files, research court records, and confer with District Attorneys in each of the four judicial districts to try to determine the numbers

of waivers attempted over a three year period. That effort resulted in a conclusion that during the years 1979 through 1981, fourteen waivers had been attempted. Of that number, twelve were granted by the court.

That information was subsequently challenged by some individuals on the basis that it did not coincide with their perceptions or personal experiences in one or two instances. An effort was made to refine the data by cross checking the names of waived youth with Department of Corrections inmate population records. However, even this was not entirely satisfactory because records were not structured in a way that could supply or verify all needed information. For example, information was not obtainable on waived but unconvicted or unsentenced youth, nor on youth who had been waived but had served their full sentence. Additionally, only youth who had been waived recently could be identified without a review of individual files as age (under 18 years vs. 18 or older) was the only characteristic which could be used to differentiate between those prisoners convicted after waiver and all other prisoners. Consequently, those who had been waived and convicted, but who had reached age 18 could not be identified as having been the subject of a waiver. Unsuccessful waiver attempts were not reflected in Corrections' records, nor were those successful waivers which were under appeal, or which were not followed by criminal convictions. Also some rather stringent time constraints were imposed, as the information was needed for a legislative committee hearing. Although exhaustive research has not been possible, information obtained in this way generally confirmed that supplied by probation officers.

Since that initial effort, we have been able to devote only limited time to researching this issue. That time has been directed at obtaining and confirming information on youth waived from juvenile jurisdiction and subsequently prosecuted and convicted of offenses in the adult criminal justice system. The information presented above does not then represent all waiver attempts during the period. It also does not include all waivers which were granted since waiver does not necessarily result in a conviction in the adult system.

I hope this information will be useful despite its limitations.

Sincerely,

Michael L. Price
Director

RW:ar

Police chief urges youths' fingerprinting

Associated Press

Fingerprinting juveniles arrested for criminal acts would help investigators solve later crimes, especially those committed by repeat juvenile offenders, says Police Chief Brian Porter.

Porter said having prints of juveniles on file would be especially helpful in burglary investigations. Detectives estimate that between 50 percent and 60 percent of the burglaries in Anchorage are committed by people younger than 18.

However, fingerprinting of juveniles now is illegal.

Under Porter's proposal a juvenile's prints would be taken when he or she is arrested on some misdemeanor and all felony cases. The prints would be filed with all others in the state's new Automated Fingerprint Identification Computer, but they would remain confidential.

The state law banning fingerprints as part of a juvenile's arrest record is based on the same philosophy that bans law enforcement officials and court officials from releasing information about juvenile offenders, says Sheila Gaddis, executive director of Alaska Youth Services.

"The theory is that you protect the juvenile and work for rehabilitation," she said.

JUVENILE JUSTICE IN ALASKA

a report to

THE HONORABLE BILL SHEFFIELD

GOVERNOR

STATE OF ALASKA

from the

DIVISION OF FAMILY & YOUTH SERVICES

March 19, 1985

John R. Pugh
Commissioner
Department of Health & Social Services

Michael L. Price
Director
Division of Family & Youth Services

Executive Summary

Despite widespread and persistent beliefs, juvenile crime in Alaska is neither increasing nor becoming more violent. The best measures show that while adult crime has increased at the same rate as the Alaska's population, juvenile crime has declined both in total numbers and rate and is only one-fourth of total crime in the state. Only 2% of Alaska's juvenile crime is violent crime. This is 1/10 of serious, violent crime in the state and only 1/2 of 1% of total Alaska crime.

Because juveniles commit generally less serious crimes and have a greater potential for rehabilitation than adult offenders, Alaska's juvenile justice system operates differently from the criminal justice system. The vast majority of young offenders are first time and less serious offenders who can be successfully diverted from the formal juvenile justice system. Court action is reserved for repeat offenders and those who have committed serious offenses. Most are adequately controlled and rehabilitated in community settings. A small number require the control and structure of secure detention and treatment facilities.

Programs for juvenile offenders were separated from adult correction programs and transferred to the Division of Family and Youth Services four years ago. Since then juvenile delinquency has received greater attention and services provided to protect the public and rehabilitate young offenders have increased dramactically. The number of youth under probation supervision is up 45% and the average populations of juvenile detention and secure treatment facilities have increased by 58% and 30% respectively. With greater focus, remedial increases in service, and earlier intervention fewer youth are "slipping between the cracks." Serious or repeat offenders are identified and dealt with sooner reducing multiple offenses. In short, increases and improvements in service seem to have been a primary factor in reducing juvenile crime in Alaska.

Despite essential growth, detention facilities average 40% above capacity and there are waiting lists for entry into secure treatment programs. Even planned expansion will not meet projected needs for these services. Overburdened programs quickly become ineffective and continued reductions in juvenile crime cannot be expected in the face of a growing population and overburdened programs.

The response cannot be to simply build more and larger facilities. This simplistic approach focuses massive resources on a single aspect of juvenile delinquency and has been discredited by its failure elsewhere. Its virtually limitless costs alone preclude adoption of this approach. Instead the Department of Health and Social Services has developed a balanced strategy essential in a time of decreasing resources and increasing population. The strategy emphasizes regionalization and increases in prevention, early intervention and communitybased services accompanied by modest increases in secure detention and treatment capacity. Other management initiatives to implement this strategy are development of a systematic method of case management and implementation of a comprehensive management information system (SYSMIS).

A systematic method of case management will provide a framework for effectively allocating resources on individual client and overall program levels, and for short and long range planning. A comprehensive information system is essential to provide information needed for monitoring and evaluating services and programs, and for decision making.

This strategy will help limit the need for growth in costly institutions, make community-based services available on a broader basis throughout the state and insure that limited resources are used most effectively to protect the public and rehabilitate young offenders.

DESCRIPTIVE ANALYSIS OF JUVENILE CRIME IN ALASKA

Certain misperceptions about juveniles and crime are widely accepted by the public and many policy makers and have influenced public policy relating to juvenile justice. These misperceptions are enforced periodically by sensational news reports and the entertainment media. It is important to consider these persistent perceptions in light of available facts if significant policy decisions are to be made wisely.

Incidence of Juvenile Crime

The most widely accepted belief about juvenile crime is that it is widespread and increasing - that there is a juvenile crime wave far out of proportion with the number of juveniles and beyond the level of adult crime. Available facts, however, do not support this belief.

Conservative estimates of population growth indicate that the population of youth in Alaska (those 0 - 18 years of age) increased by approximately 15% from 1979 to 1983. As Chart I indicates this represents an increase of 19,000 juveniles from 134,000 to 153,000. The adult population is believed to have grown at about the same rate and to be slightly more than twice the size as the juvenile population - approximately 320,000 persons.

Despite the significant population increase juvenile crime as measured by arrests declined slightly. Chart 2 shows that juvenile arrests have remained relatively stable between 1979 and 1983, declining slightly - about 6%. In contrast adult arrests have shown a marked increase after 1980 and an overall increase during the five year period of about 13%. Juveniles arrests have declined despite population growth while increases in arrests of adults have essentially paralleled population growth.

Chart 3 illustrates another important measure of crime, the rate of arrest. The rate of juvenile arrests (arrests per 1000 persons) was relatively stable until 1982 when it declined sharply. This decline continued in 1983 resulting in an overall decline of 24% during the period 1979 - 1983. This decline follows a national trend of decreasing juvenile arrest rates. However, Alaska's juvenile arrest rate, 32.24 per 1000, is less than one half the most recently calculated national rate. (1) In contrast Alaska's adult arrest rate does not show a similar trend although the 1983 level was slightly (8%) below the 1979 high of 46.56 arrests per 1000 persons.

In summary, juvenile arrests in Alaska are declining despite significant population increases and the rate of juvenile arrest has declined substantially. Alaska's juvenile arrest rate is far below the national juvenile rate and 25% lower than Alaska's adult arrest rate.

(1) Report to the Nation on Crime and Justice: The Data, U.S. Department of Justice, Bureau of Justice Statistics, 1983.

Profile of Juvenile Crime

Another popularly accepted belief about juvenile crime is that it is characterized by a high level of violence - that juveniles commit a disproportionate number of violent crimes and that juvenile crimes often involve gratuitous violence.

Insight into the nature of juvenile crime in Alaska can be gained from studying the types and proportions of crimes for which juveniles are arrested and comparing these with adult arrests. Chart 4 depicts this information for 1983. Data for 1983 is shown since it is the most recent data available and because the pattern of arrests is essentially the same for the entire five year period.

Most importantly the data shows that arrests for serious violent crimes (homocide, rape, robbery, aggravated assault) are only a tiny proportion (2%) of juvenile arrests and only a small (10%) proportion of the total arrests for these crimes.

The data shows that juvenile crime in Alaska is primarily property crime (thefts, from shoplifting to burglary) which account for about one-half (49%) of all juvenile arrests. The other main categories of juvenile crime are liquor law violations such as minor consuming (21%), and status offenses such as runaway and curfew violations (8%). The smallest number and percentage of juvenile arrests (116 or 2% of total) is for serious violent crimes, - homocide, rape, robbery and aggravated assault. Other crimes against persons, such as misdemeanor assaults, account for only 3% of juvenile arrests.

A comparison of juvenile and adult arrests shows that arrests for violent crimes and crimes against people comprise a significantly greater proportion of adult arrests and that adult arrests for violent crimes are ten times greater than the number of juvenile arrests.

Interpretation

Although juvenile crime at any level is a serious social concern, national studies indicate that the magnitude of the problem is exaggerated in public perception. Studies and data also show that the public perception of a drastic and disproportionate increase in violent and serious crime by juveniles is erroneous. In fact, the National Crime Survey showed that during a recent five year period both the number and rate of personal victimizations by juveniles decreased while victimizations committed by adults increased. The same study showed that personal victimizations committed by juveniles were less serious in terms of weapons use, rate of injury, and financial loss, than similar crimes committed by adults. (2)

A study by Dr. Marvin Wolfgang of the University of Pennsylvania, which tracked all juveniles born in Philadelphia in 1958 is equally important in understanding violent juvenile crime. The Wolfgang study found that a small number of

(2) Analysis of National Crime Victimization Survey Data To Study Serious Delinquent Behavior, U.S. Department of Justice, Criminal Justice Research Center, M.J. Hindelang and M.J. McDermott, 1981.

repeat offenders commits a disproportionate number, perhaps the majority, of violent crimes committed by juveniles. This study concluded that there is a need to be selective in identifying and dealing differently with that small number of juveniles while reacting in a far less severe manner to the majority of young offenders.

While there have been no such comprehensive studies specific to Alaska a comparison of Alaska and national data indicates that the findings of national studies probably hold true here. (3)

- Alaskan juveniles comprise 32.5% of the state population while nationally juveniles make up 27.5% of the population.
- Juvenile arrests comprise 26.6% of total arrests in Alaska compared to 19.8% nationally. This difference is approximately equal to the difference in the proportions of juveniles to the total population.
- Only 2% of juvenile arrests in Alaska are for serious, violent crimes (murder, rape, robbery, aggravated assault) compared to 4.2% nationally.
- Juvenile arrests for serious violent crimes in Alaska are 10% of the total number of arrests for these crimes compared to 18.5% nationally.
- The proportion of juvenile arrests for violent crimes in Alaska has remained at the 10% level since 1979.
- Nearly half (49%) of Alaska's juvenile arrests are for property crimes compared to 42% nationally. Two thirds of these arrests in Alaska are for thefts.
- Status offenses (curfew, runaway, liquor law violations) account for nearly one third (29%) of Alaska juvenile arrests compared to 18% nationally.

In general terms then, Alaska's juvenile crime patterns parallel national trends, with some important differences. While total juvenile crime and rate of juvenile crime are declining both nationally and in Alaska, these declines are accompanied nationally by a decline in the juvenile population while Alaska's juvenile population is increasing.

Perhaps the most important difference is in the level of violent crime. Violent crime by juveniles in Alaska is a much smaller proportion of both total juvenile crime and total violent crime than is the case nationally (about half the national proportions), and a minute proportion (one-half of 1%) of all crime in the state. Juvenile property crime is a higher proportion of total property crime in Alaska than is true nationally (47% vs 37%) and is the most prevalent type of juvenile crime. Juvenile crime in Alaska is largely (80%) property crime, liquor law violations, and status offenses. Juvenile crime is only about one-fourth (26.6%) of the total crime problem in the State compared to 20% nationally. The difference in these proportions is almost precisely the

(3) SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS 1983, U.S. Department of Justice, Bureau of Justice Statistics.

same as the difference in the proportion of juveniles to the total state versus national population - 5%.

JUVENILE JUSTICE SYSTEM IN ALASKA

Juvenile justice systems were established nationwide and in Alaska in recognition of significant differences in the characteristics and rehabilitative potential of adult and juvenile offenders and differences in the general types and seriousness of offenses committed by the two groups. The vast majority of juvenile crime is far less serious than adult crime and the likelihood of changing behavior of children is greater than the likelihood of rehabilitating adult offenders. In recognition of these differences the juvenile justice system has developed with a greater reliance on informal resolution, diversion, and intervention than is true in the adult criminal justice system. The emphasis of the juvenile system has been to employ the least intensive and least expensive interventions necessary to achieve the equally weighted goals of protection of the public and rehabilitation of the juvenile offender.

The juvenile justice system may be seen then as a screening process through which the less volatile and more readily rehabilitated youth are separated from those who present a danger to themselves and others. Assessments of the risk juvenile offenders present and of their rehabilitative needs are inherent in key decisions in the juvenile justice system and are of prime importance in the distillation process. The effectiveness of a juvenile justice system may be measured by its ability to accurately assess risk and need and provide services which successfully address each. The essence of evolution in juvenile justice is improvement in methods of assessing risk and need and providing more effective services.

System Flow

Chart 5 illustrates in simplified form the flow of the juvenile justice system. The chart emphasizes key decision points and actions in the screening process. Because complete statistical information is not routinely collected, the chart illustrates estimated client flow during calendar year 1982 based on a sampling study by Wasserman and McNabb (4) (commissioned by the Division of Family and Youth Services).

Key decision points and actions illustrated are:

1. Decision to arrest - This is a decision of law enforcement based on evidence of a crime. The data shows that only about 3% of the total juvenile population is arrested even if multiple arrests are not considered.

2. Decision to detain or release to parent - Detention of juveniles on arrest is a decision made by police officers based on the officer's assessment of danger to the youth or others. As chart 5 illustrates, a substantial number of juvenile arrests (nearly half) result in secure detention. This occurs despite the fact that the vast majority of juvenile arrests are for

(4) Youth Services Research and Evaluation Report, P.Z. Wasserman and S.L. McNabb, 1983.

status or property offenses and most of those youths detained are eventually dealt with informally. It is clear that the rate of detention is unjustified by the types of offenses being committed and the level of danger presented by the youth. Certainly the national detention rate is far below the nearly 50% level found in Alaska. This high rate of detention has a significant impact on the population of juvenile detention facilities and locally operated municipal jails. It also causes a variety of problems including overcrowding in juvenile detention facilities, inefficient use of adult facilities, and detention of juveniles in adult facilities without statutorily required sight and sound separation from adults.

3. Decision to release from detention, dismiss, divert through informal action or initiate formal action - In general this is a decision of the DFYS intake officer, often in consultation with legal counsel. This decision is based on an assessment of (a) the offense, (b) the youth and the youth's past behavior, and (c) the likelihood that public protection and rehabilitation of the child can occur through informal action (e.g., restitution, community service, counseling, etc.) or that formal court action will be necessary to achieve these goals. Chart 5 shows and Chart 6 more graphically illustrates that the vast majority of juvenile offenders (first offenders and those who have committed less serious offenses) are diverted from the system and informal supervision is employed. Chart 6 indicates that an estimated 74% of juvenile offenders were diverted from the formal juvenile justice system in 1982. Eight percent required a higher level of intervention through informal probation supervision for a short period of time, up to six months. A very small number (1%) of cases where dismissed as unfounded or lacking sufficient evidence.

4. Formal action - Filing of formal delinquency petitions is the responsibility of the intake officer but may also be initiated by prosecutors. In a very small number of cases - those few juveniles who have committed offenses so serious and whose rehabilitative potential is so small that they can not be appropriately dealt with in the juvenile justice system - waiver of juvenile jurisdiction may be sought.

   Formal petitions were filed in 17% or nearly 1,100 cases in 1982. The majority (90%) resulted in delinquency adjudications. Approximately 3% were dismissed before trial or were found insufficient to prove delinquency. Adjudication was deferred in about 7% of cases, generally conditioned upon satisfactory behavior under probation supervision. Waiver to adult jurisdiction occurred in 6 cases.

5. Disposition - After a finding of delinquency the court determines, within statutory guidelines, the general plan to be implemented to both protect the public and to rehabilitate the young offender. Chart 6 shows that the majority (72%) of formal actions resulted in formal probation supervision in the community. Approximately 181 cases (67%) resulted in orders requiring placement of youths in secure rehabilitative treatment facilities or structured private residential care facilities. The number of youth institutionalized is roughly one and one half times the number of

juveniles arrested for serious or violent crimes (181 institutionalizations versus 116 violent crime arrests) indicating that the most severe sanction and expensive treatment is reserved for those youth who present a danger to the community.

DHSS RESPONSE TO JUVENILE CRIME

Perspective

Before December, 1980 responsibility for providing rehabilitation programs for juvenile offenders was assigned to the Division of Corrections within the Department of Health and Social Services. These programs were provided largely as an adjunct to adult correctional programs. In all areas of the state except Anchorage and Fairbanks probation officers were assigned both adult and juvenile cases. Only one facility existed for the detention and secure treatment of juveniles (McLaughlin Youth Center). Because of this structure juvenile programs were largely subordinated to adult programs. Responsibility for providing juvenile rehabilitation programs was transferred to the Division of Family and Youth Services in December, 1980; an action based on recommendations from several studies which indicated that increased efficiency and effectiveness could be expected from such a change. In December, 1984 full responsibility for performing the juvenile intake function for the superior court was administratively transferred to the Department of Health and Social Services. Previously this function had been split between the Alaska Court System and the Department of Health and Social Services. Court system employees performed the juvenile intake function in Anchorage, Fairbanks, Kenai and Palmer and DHSS juvenile probation officers performed the function in all other areas of the state.

Growth in Demand for DHSS Services : Probation, Detention, Secure Treatment

Charts 7, 8 and 9 illustrate the significant increases in the demand for DHSS services to protect the community and to rehabilitate juvenile offenders.

Probation: Chart 7 illustrates the average number of youth under probation supervision from 1981 through 1984. Youth under formal, court ordered supervision comprise 90% of these cases while youth under informal supervision as a diversion from formal justice system account for 10%. As is illustrated there was a 45% increase in the average number of youth under probation supervision during the four year period, rising from 867 in 1981 to 1260 in 1984.

Detention: Chart 8 illustrates the growth in the average number of youth detained in juvenile detention facilities since 1978. It also projects future growth and compares this with the actual and planned capacity of juvenile detention facilities.

Between 1978 and 1984 there was a 58% increase in the average daily population of juvenile detention facilities. The average daily census was approximately 18% above actual capacity in 1978 and, despite growth in the capacity of juvenile detention facilities, presently exceeds actual capacity by approximately 40%. Juvenile detention facilities in Anchorage and Fairbanks are dangerously overcrowded at the present time and if the historical growth rate holds true to 1987 even the planned 30% increase in juvenile detention facility capacity will not meet the need and the detention facilities will continue to be seriously overcrowded.

These figures do not include youth detained in municipally operated jail facilities around the state and do not, then, represent the full extent of the juvenile detention problem.

The significant growth in the population of juvenile detention facilities seems contradictory to what might be expected given the decrease in the number of juveniles being arrested. Obviously part of this increase may be explained by an increase in the detention capacity since an increase in the capacity, if filled, will lead to a higher daily population rate. However, the demand is far greater than increases in capacity. Possible explanations for this seeming contradiction are:

1. an over-utilization of detention upon arrest;

2. lack of immediate (24 hour) intake and diversion services result in the unnecessary detention of youth who do not truly present a danger to themselves or to the community (This was found to be true by a grand jury in the Fairbanks area and led to recommendations that DFYS assume greater intake authority in order to correct the problem.);

3. lack of sufficient secure treatment capacity which results in a backlog of adjudicated youth being held in detention pending placement in a secure treatment program.

Secure Treatment: Chart 9 illustrates the growth in secure treatment for juvenile offenders. The chart shows that the actual number of youth being treated in secure facilities is essentially the same as the capacity of those facilities. Projections show that this will continue to be true in the future. This does not provide a complete picture of the need for secure treatment because the population in secure treatment is administratively held at the rated capacity. Population is limited to maintain the effectiveness of the rehabilitation programs and preclude the development of a dangerous circumstance due to overcrowding. The number of youth in treatment at any given time is controlled through several important mechanisms:

1. an admission policy which requires the release of a youth who has completed the treatment program before admitting another youth;

2. decreases in the length of treatment which allows treatment of a greater number of youth without increases in facility capacity;

3. utilizing secure detention as an interim placement for youth who require secure treatment pending an opening in a secure treatment program;

4. placement of a strictly limited number of youth in secure facilities outside the state.

Analysis

The dramatic growth in numbers of youth receiving probation, detention and secure treatment services seems unwarranted by the level and nature of juvenile

crime in Alaska. The number and rate of juvenile arrests shows a decrease and the seriousness of offenses committed by juveniles is relatively stable, yet there is an increasing number of juveniles under probation supervision, in detention, and in secure treatment. These seemingly contradictory sets of facts may be complementary instead. The following hypotheses may help explain some of the apparent anomalies in the data.

1. When rehabilitative services for juvenile offenders were part of an adult corrections agency, services for juveniles were subordinated to efforts to deal with adult criminals and many youths were allowed to "slip between the cracks" resulting in multiple offenses and arrests of the same youths before intervention occurred.

2. Reorganization of rehabilitative services for juvenile offenders within a child and family-focused agency resulted in increased attention to juvenile offenders and increased service levels.

3. Intervention in matters of juvenile delinquency is occurring earlier and higher levels of services are being provided.

4. Increased services and earlier intervention result in earlier identification of repeat offenders and greater use of the formal juvenile justice system to deal with these youth.

5. Earlier intervention, earlier identification of repeat or serious offenders, and higher service levels result in reductions in repeat offenses and arrests, and a lower overall rate of arrest.

YOUTH SERVICES OUTLOOK : ISSUES AND STRATEGIES

The juvenile system has evolved rapidly since separation of juvenile rehabilitation programs from the adult correctional system four years ago. This evolution has included long delayed growth, increased sophistication, and change in emphasis. However a number of critical issues and problems remain and these must be addressed immediately or in the near future. The choices made in addressing these issues and problems will determine the structure of correctional services for youth and the allocation of resources within that structure for many years.

In general terms the broad problem being faced is that of protecting the public through rehabilitation and control of young offenders when the population of youth is increasing and resources are limited. Decisions made will determine whether Alaska develops a highly centralized approach relying heavily on long term institutional placements or adopts a regionalized approach relying more on prevention, early intervention, and community based treatment.

Issues

Specific system problems to be addressed include:

1. a need for detention and secure treatment of juveniles which exceeds present capacities and will exceed planned expanded capacities;

2. a growing need for detention and secure treatment outside the major urban areas.

3. a need for alternative services and approaches in order to limit growth in expensive detention and secure treatment;

4. an increased need for probation and other community-based services.

5. a need for systematic prioritization of services based on risk and need of youth and available resources; and

6. a need for information on juvenile offenders sufficient to allow analysis of trends, evaluation of program effectiveness, short term plan adjustments, and long term planning.

DFYS Strategy

The Division of Family and Youth Services has developed a balanced strategy for achieving its mandate to protect the public and rehabilitate juvenile offenders, while addressing current system problems. This strategy focuses on reducing deficits in certain critical services, limiting future need for expansion in institutional services, and containing costs through increased program efficiency and effectiveness. The strategy has five major initiatives which are:

1. Increasing secure detention and treatment capacity;

2. Increasing emphasis on prevention, early intervention, and community based services;

3. Regionalization of services;

4. Development of systematic case management system;

5. Development of a comprehensive management information system.

Initiative Number 1 : Increase in Detention and Secure Treatment

Chart 10 illustrates detention and secure treatment capacity of state operated juvenile facilities as they presently exist and as planned through FY 86. With additions planned through FY 86, detention capacity will increase by 46%, treatment capacity will increase 41%, and capacity for closed treatment (treatment for the most difficult and dangerous of juvenile offenders) will increase by 100%. The total capital cost of these increases will be approximately $9.9 million. Additional operating costs are estimated at approximately $4.2 million per year.

Even with these unavoidable additions to detention and treatment capacity, projections show that the demand for these services will meet or exceed the expanded capacity (charts 8 and 9). And, while development of increased detention and treatment capacities are necessary, charts 10 and 11 illustrate that these are expensive services. As chart 11 shows the true expense cannot be measured simply in terms of the initial capital costs. Construction costs of a 20 bed facility (a 20 bed facility is the minimum size for cost efficiency) comprise only 10% of the total life cycle cost of the facility. Operating costs of a facility account for 90% of total costs. Thus, even if all other factors were disregarded, costs alone would require that use of detention and secure treatment be highly selective.

Initiative Number 2 : Increased Emphasis on Community Based Services

To avoid unending increases in detention and secure treatment DFYS proposes to increase community-based rehabilitative efforts for juvenile offenders. These services include prevention and diversion services as well as probation supervision and alternatives such as foster care.

An initial step in increasing emphasis on community-based services, assumption of statewide control over the juvenile court intake function, was achieved on December 3, 1984. Implementation of uniform statewide policies for juvenile intake and the availability of intake officers on a 24 hour basis in state operated detention facilities will allow better and quicker screening to reduce unnecessary detention of youth who do not pose a danger to the public. It will also allow earlier and more effective intervention and diversion services following the initial arrest of juveniles. Funding of prevention and diversion programs through grants is an important part of increasing reliance on community-based services. A model program providing community service as a diversion alternative has recently been expanded to include restitution collection and to serve the most populated areas in the state.

Initiative Number 3 : Regionalization

DFYS' regionalization strategy is illustrated in Chart 12. As the chart shows, this is a significant departure from the centralized approach of the past. This configuration will improve secure detention and treatment services in several ways. Since intake and diversion services will be available from the regional facilities unnecessary detention of many youth will be eliminated and earlier intervention and diversion will occur. The need to transport youths from outlying areas to a centralized facility in Anchorage or Fairbanks will be reduced thereby reducing the time youths spend in detention and treatment. In addition greater reliance on existing community and family resources will occur in all aspects of intervention, diversion and treatment, increasing their effectiveness.

The regional approach will more efficiently utilize resources since it will allow better and earlier screening and intervention. Reductions in length of time necessary for rehabilitation of juvenile offenders will allow more youth to be rehabilitated without an otherwise necessary expansion of facilities.

Regionalization of services will, then, expand the types of services available in outlying areas, better utilize community and family resources in rehabilitation efforts, provide earlier and more effective intervention and diversion, allow a greater number of treatment strategies to be used, reduce the time necessary for detention and treatment of youth, and allow a larger number of youth to be served without continuing institutional expansion.

Initiative Number 4 : Case Management

To ensure that agency resources are used most effectively DFYS is developing a formal, systematic method of case management. This will give DFYS an objective, reliable method of assessing the risks presented by delinquent youth and their rehabilitative needs. It will also establish workload and performance standards, uniform methods of case planning, and mechanisms for monitoring and evaluation for individual cases.

On both an individual case and program level development of a formal method of case management will provide a systematic planning process. This process will provide a framework for analyzing problems, developing objectives, identifying resources to be used in achieving objectives, and achieving accountability through monitoring and evaluating effectiveness and performance. A critical part of a case management system is the collection of information about clients and programs essential in providing a basis for decisions on all levels. Without a sufficient capability for collection and analysis of needed information a case management system cannot function effectively.

Initiative Number 5 : Management Information System (MIS)

Development of a comprehensive management information system is essential to DFYS' overall strategy since it will enable the agency to routinely collect information necessary for numerous case and management functions.

A comprehensive MIS will provide detailed information for program evaluation and accountability, and for a variety of decisions from the individual client level to the administrative and legislative policy level.

The Department has been mandated to require and collect statistics on juvenile offenses and offenders, but has not had the capability to do so. With the assumption of responsibility for the juvenile court intake function DFYS now has the ability to develop a system of tracking juvenile offenders from the time of their referral to the intake officer through all processes of the juvenile justice system. This is extremely important since it can provide previously unavailable information for analysis of statewide trends. Major policy decisions and day to day program operations require such information and the evaluations such information makes possible. With completion of this initiative, the Department will be able to carry out this mandate and meet information needs on a general level.

Conclusion

Significant progress has been made in recent years to address the problem of juvenile crime in Alaska. Separation of services for juvenile offenders from programs for adult criminals has focused greater attention on juveniles and resulted in dramatic increases and improvements in services. This has been a primary cause for decreases in both total numbers and rate of measurable juvenile crimes. Earlier intervention and increased service means fewer youth become repeat offenders and serious offenders are identified and dealt with sooner.

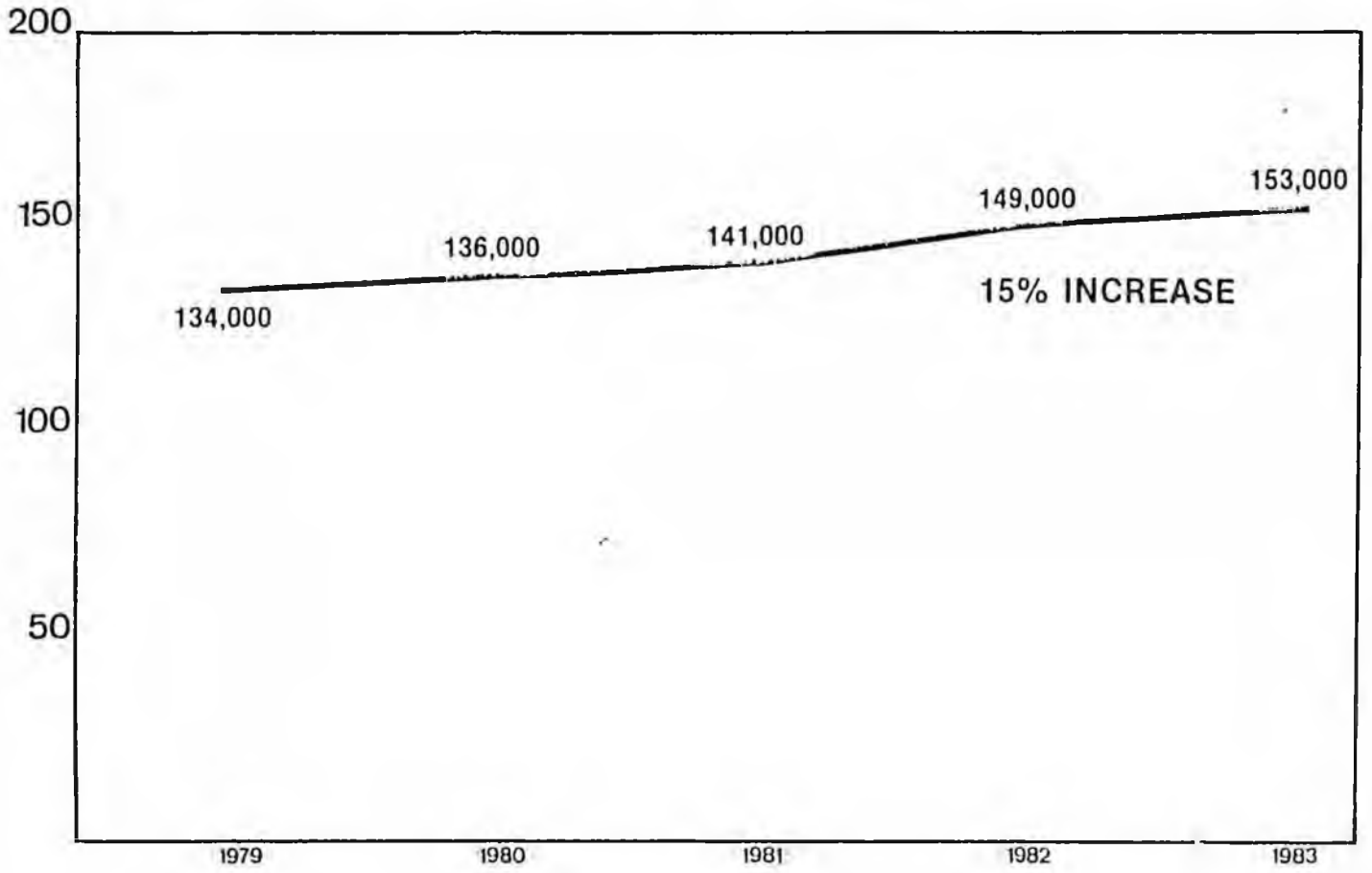
However, Alaska's population continues to increase and programs for juvenile offenders are now overburdened. This has occurred at a time when revenues have begun to decline and resources are increasingly limited. Without effective use of available resources and some resource increases program effectiveness will decline and increases in juvenile crime will almost certainly occur.

The strategy devised by DFYS to protect the public and rehabilitate young offenders is designed to direct resources to the most cost effective services and contain the need for additional resources. The strategy includes several management initiatives. Some are designed primarily to address specific problems presently being faced. Others will increase accountability and effectiveness of existing services. Development of a systematic method for identifying future problems and needs, evaluating programs and services, and allocating resources most effectively as circumstances change will be a primary focus in these initiatives.

The need for resources will undoubtedly increase as the state's population increases. However, DFYS' management initiatives are predicated on limiting the need for additional resources through informed planning and decision making and by concentrating on the most effective and least expensive services. Immediate needs will require increased resources for institutional services. But regionalization will insure the most effective use of these and future resources.

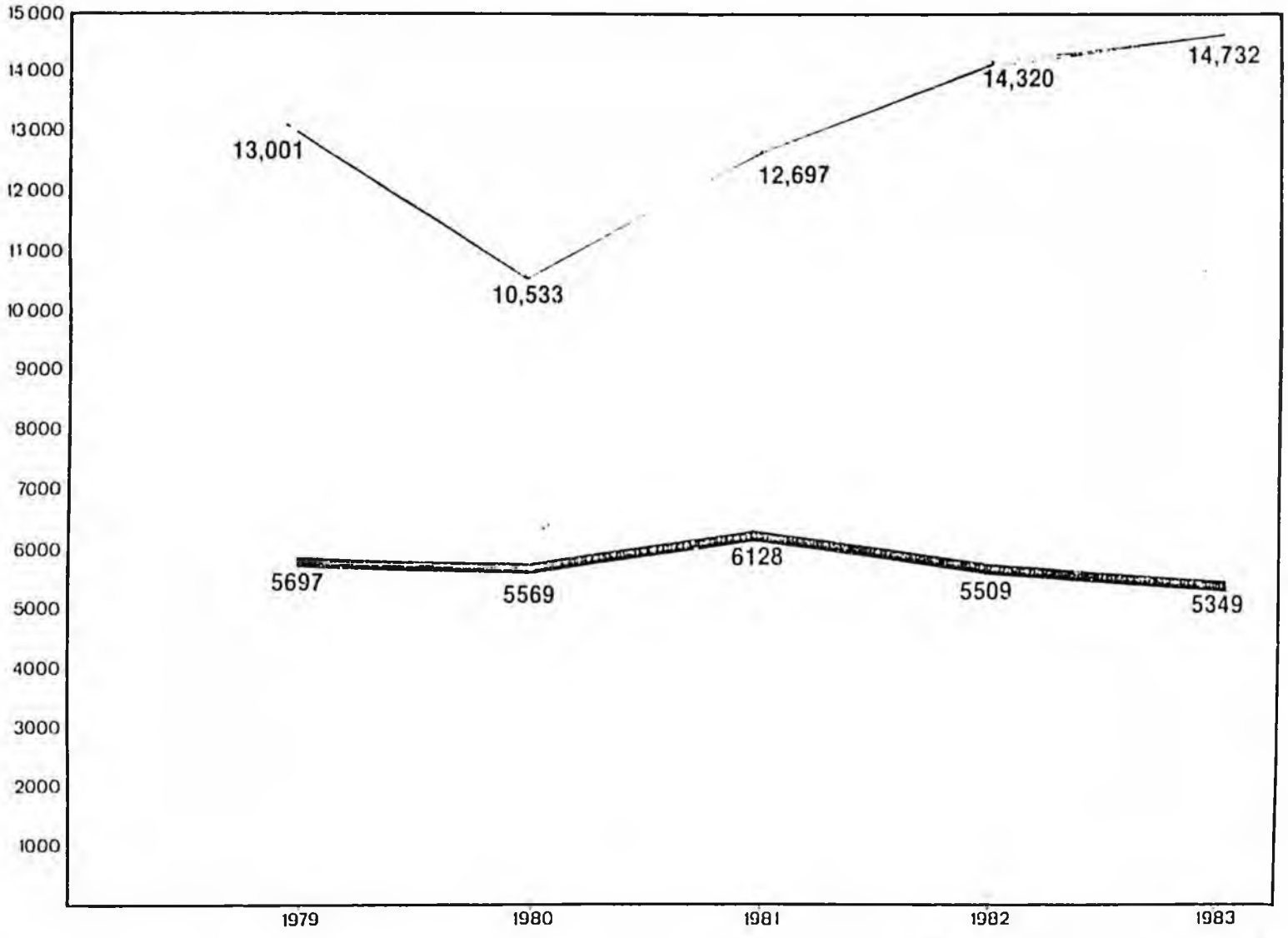
Through these initiatives and emphases DFYS hopes to avoid the failures of other states in focusing on a single aspect of juvenile crime - the end of the service continuum, institutions and secure treatment. Instead DFYS hopes to focus resources on prevention, diversion, early intervention, and community - based services. These approaches effectively protect the public and rehabilitate the vast majority of young offenders without the massive resource requirements of institutions.

ALASKA YOUTH POPULATION
(0 to 18 Years)



Source Data: *Alaska Population Overview — 1981*,
Alaska Department of Labor
U.S. Bureau of Census, 1980

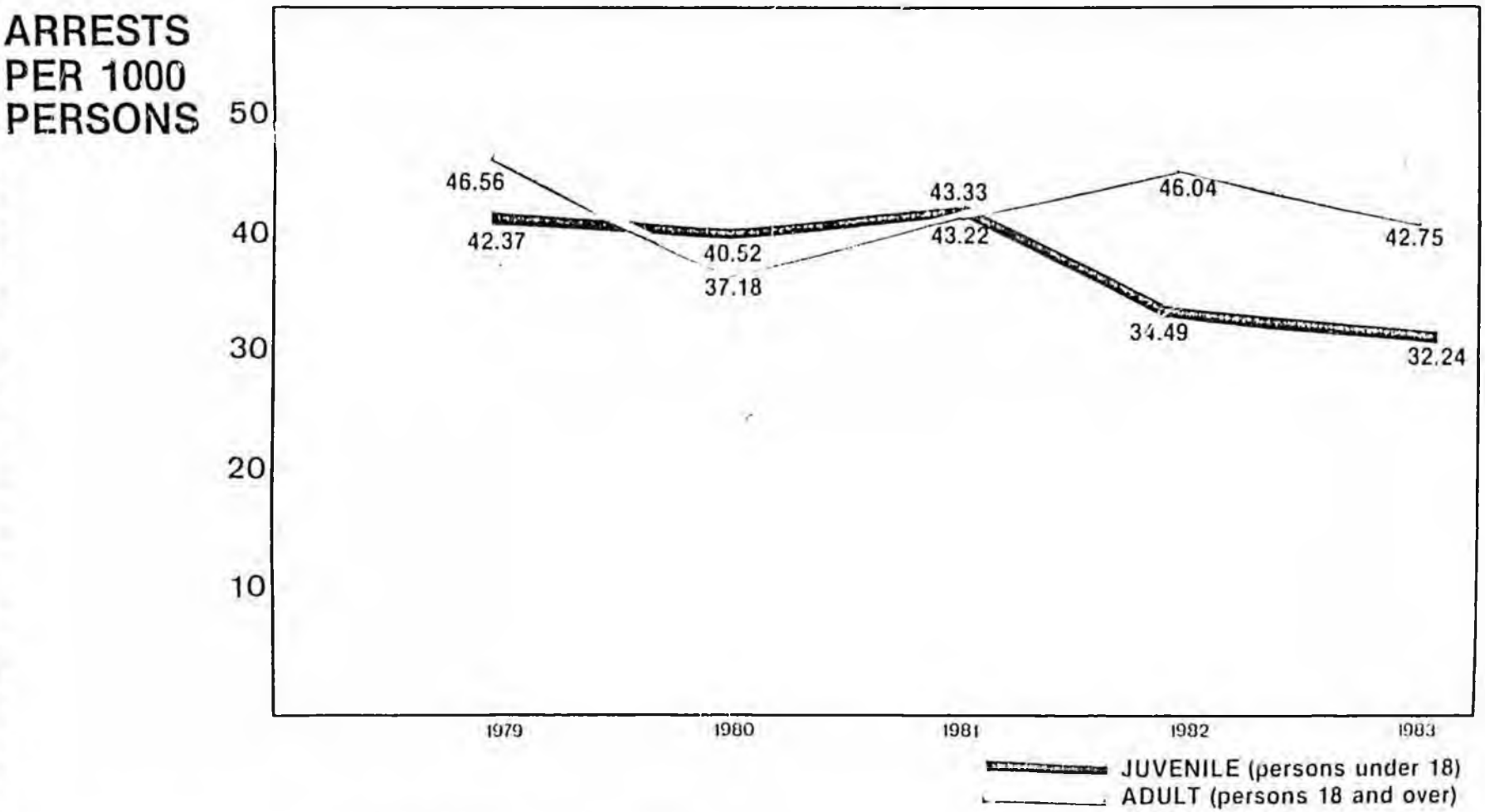
ARRESTS IN ALASKA



Source *Crime in Alaska 1979 1983*, Department of Law
Department of Public Safety

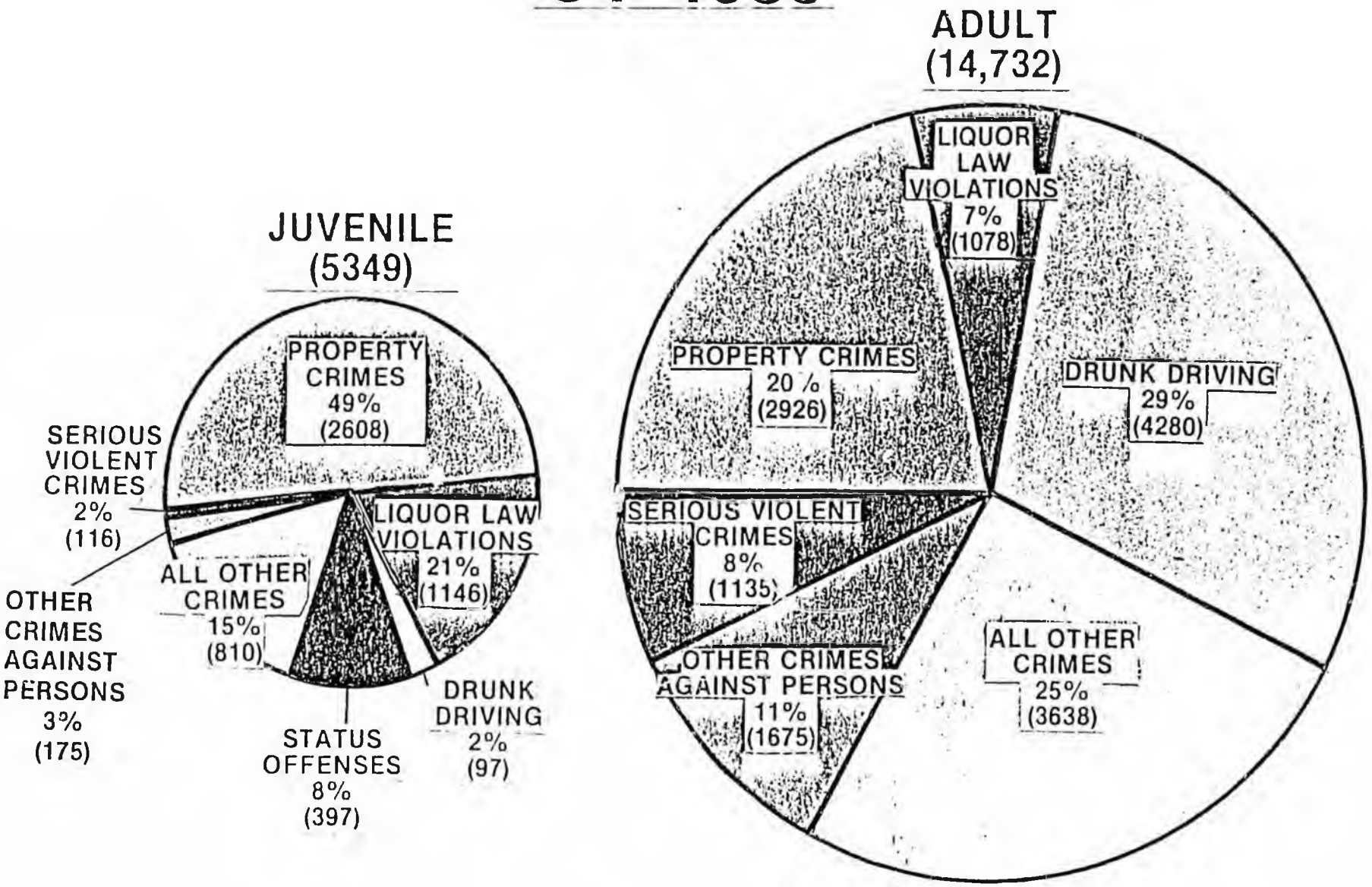
CHART 2

ALASKA ARREST RATES



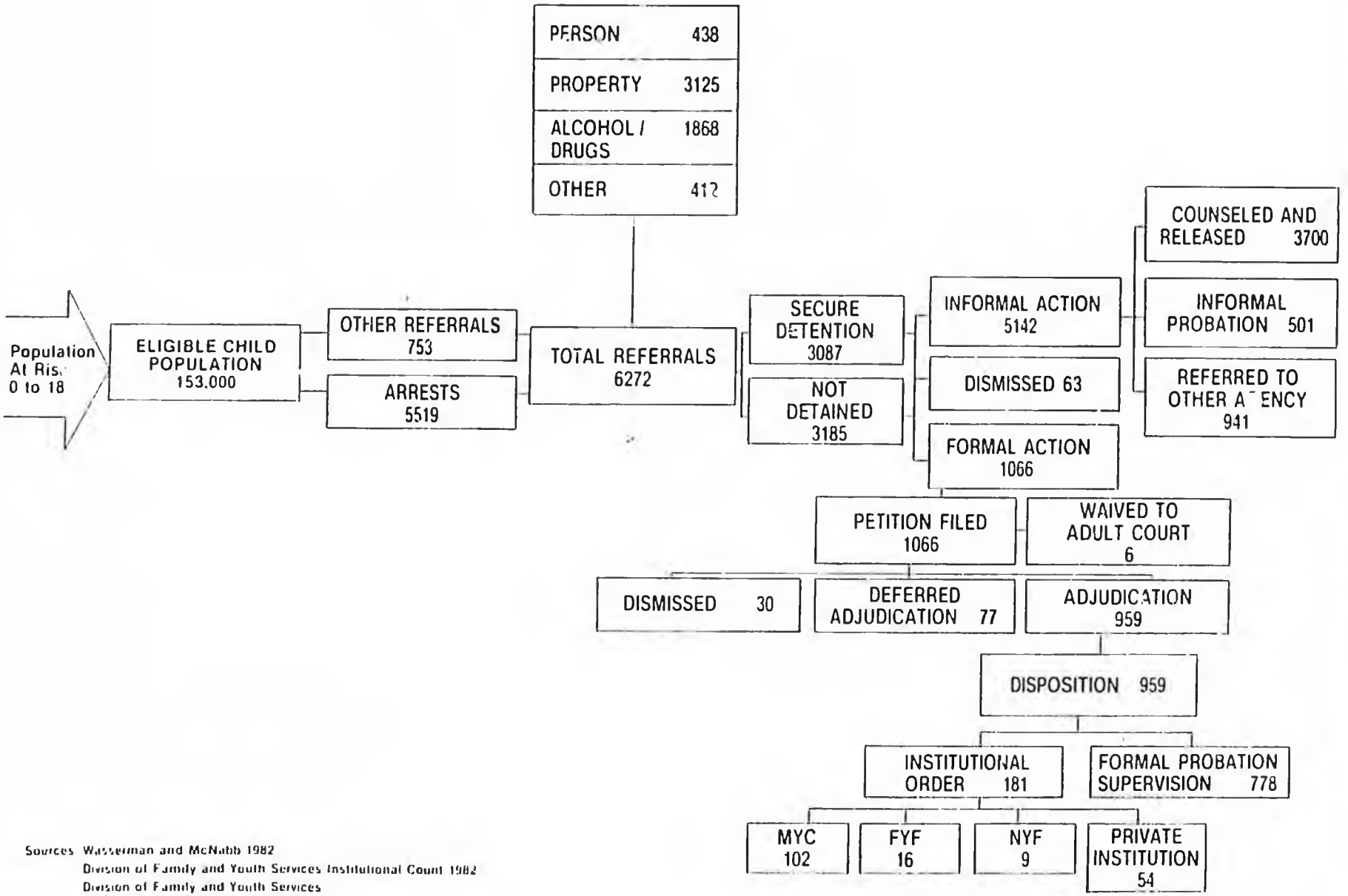
Data Sources: Arrest data, *Crime in Alaska — 1983*, Alaska Department of Public Safety
Alaska Population Overview — 1982, Alaska Department of Labor

PROFILE OF ARRESTS
CY 1983



Data Source: Crime in Alaska — 1983
Alaska Department of Public Safety

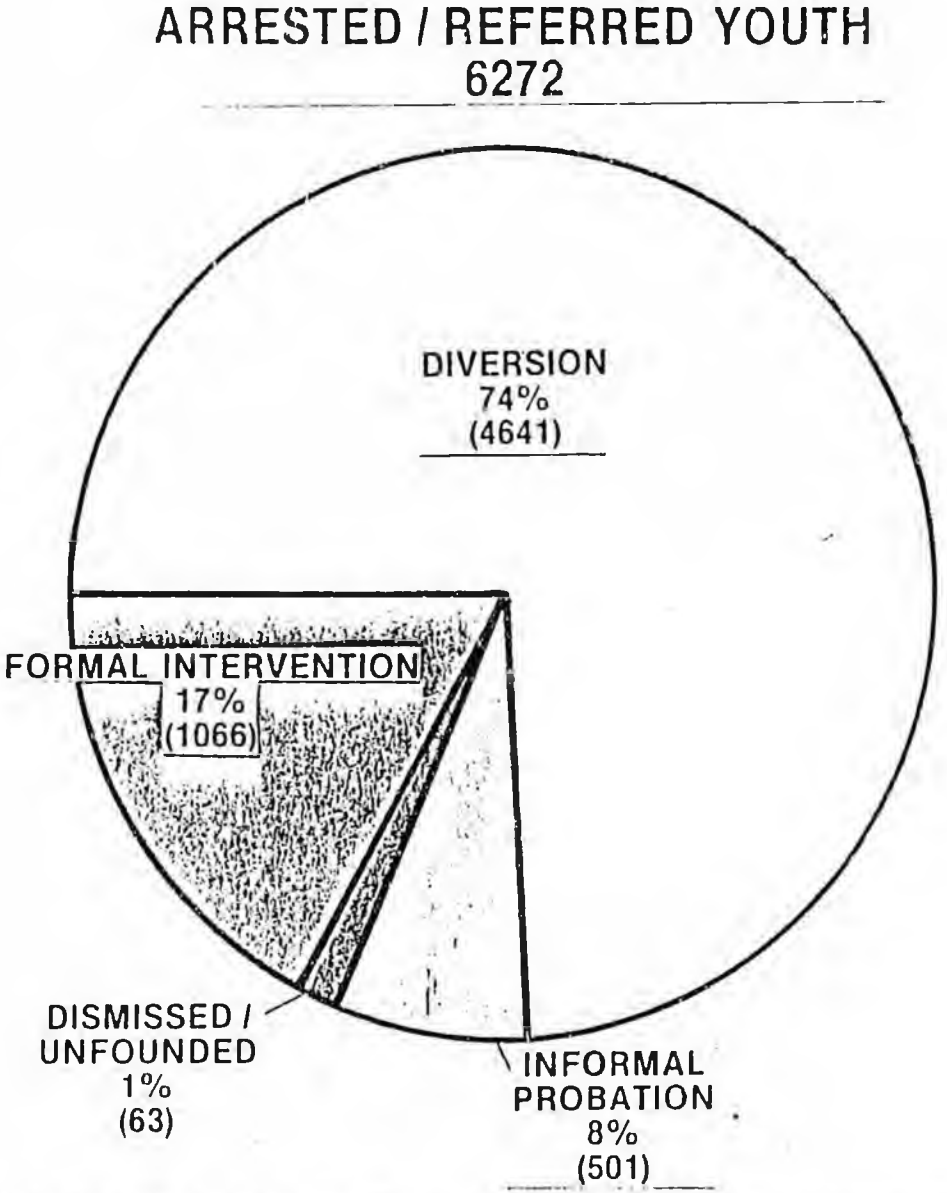
JUVENILE JUSTICE SYSTEM
CLIENT FLOW CY 1982

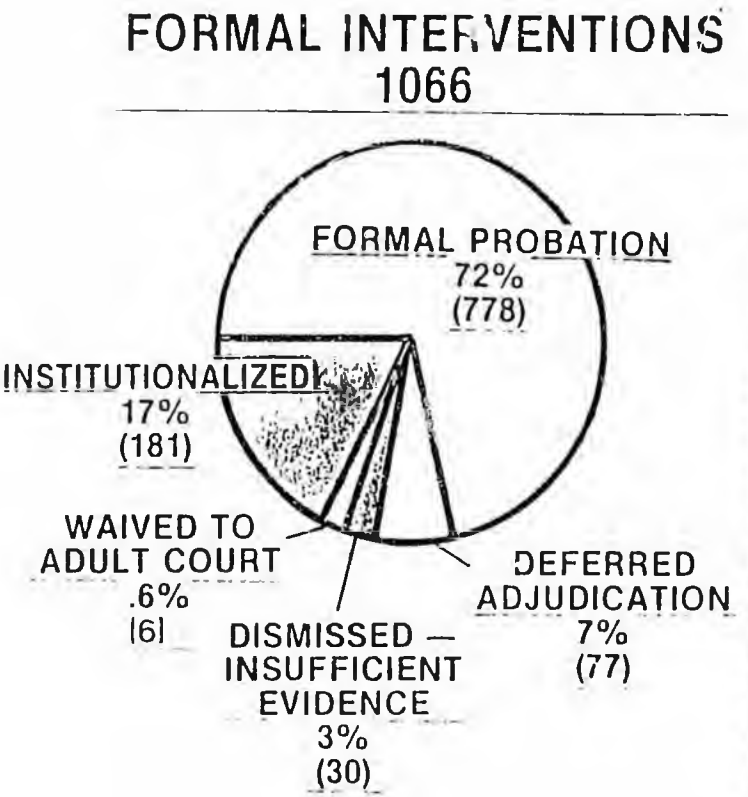


Sources Wasserman and McNabb 1982
Division of Family and Youth Services Institutional Count 1982
Division of Family and Youth Services
Field Action Summaries 1982

CHART F

INTERVENTIONS EMPLOYED 1982





Data Source: Wasserman and McNabb, 1983

GROWTH IN PROBATION SERVICES

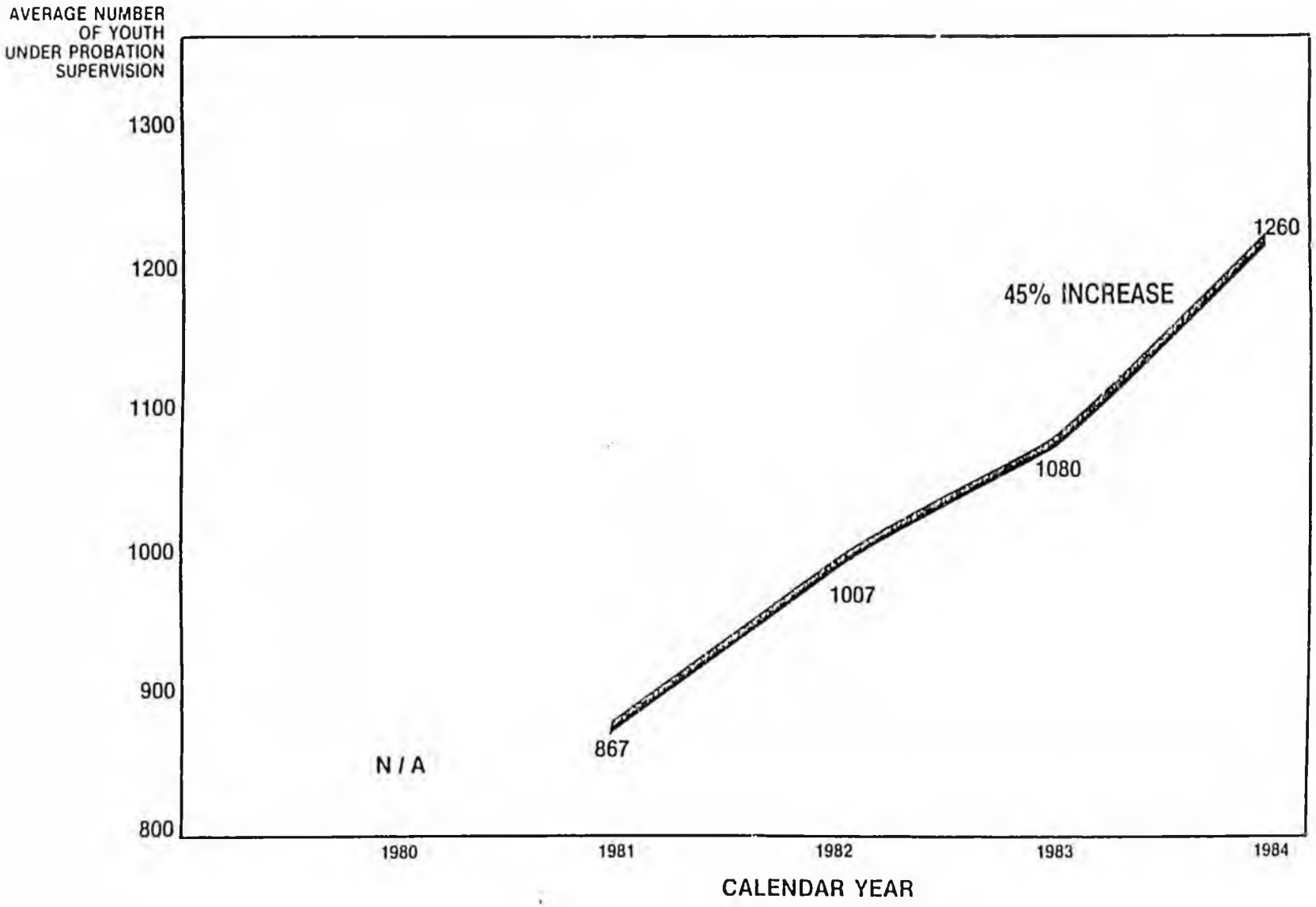
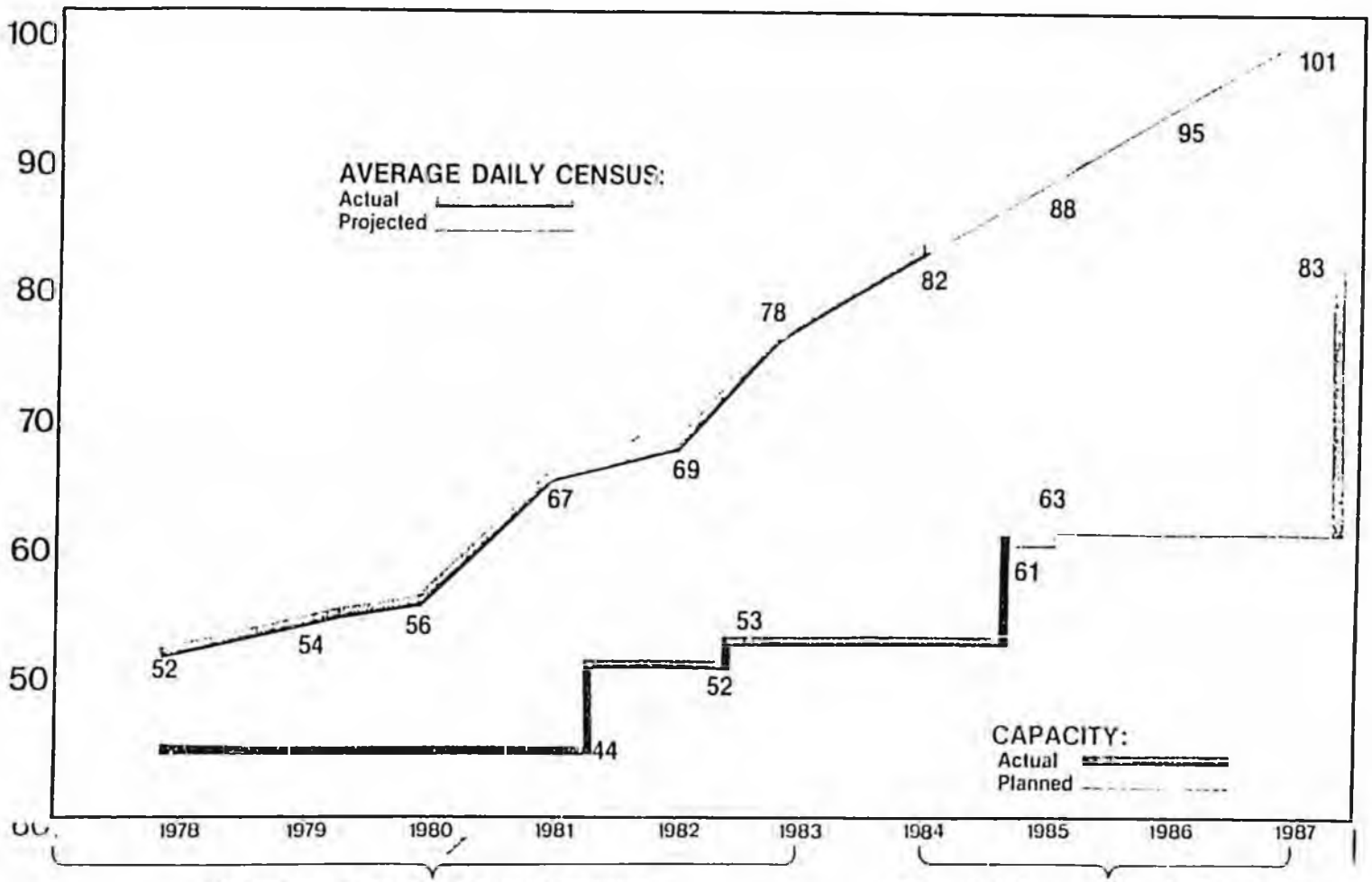
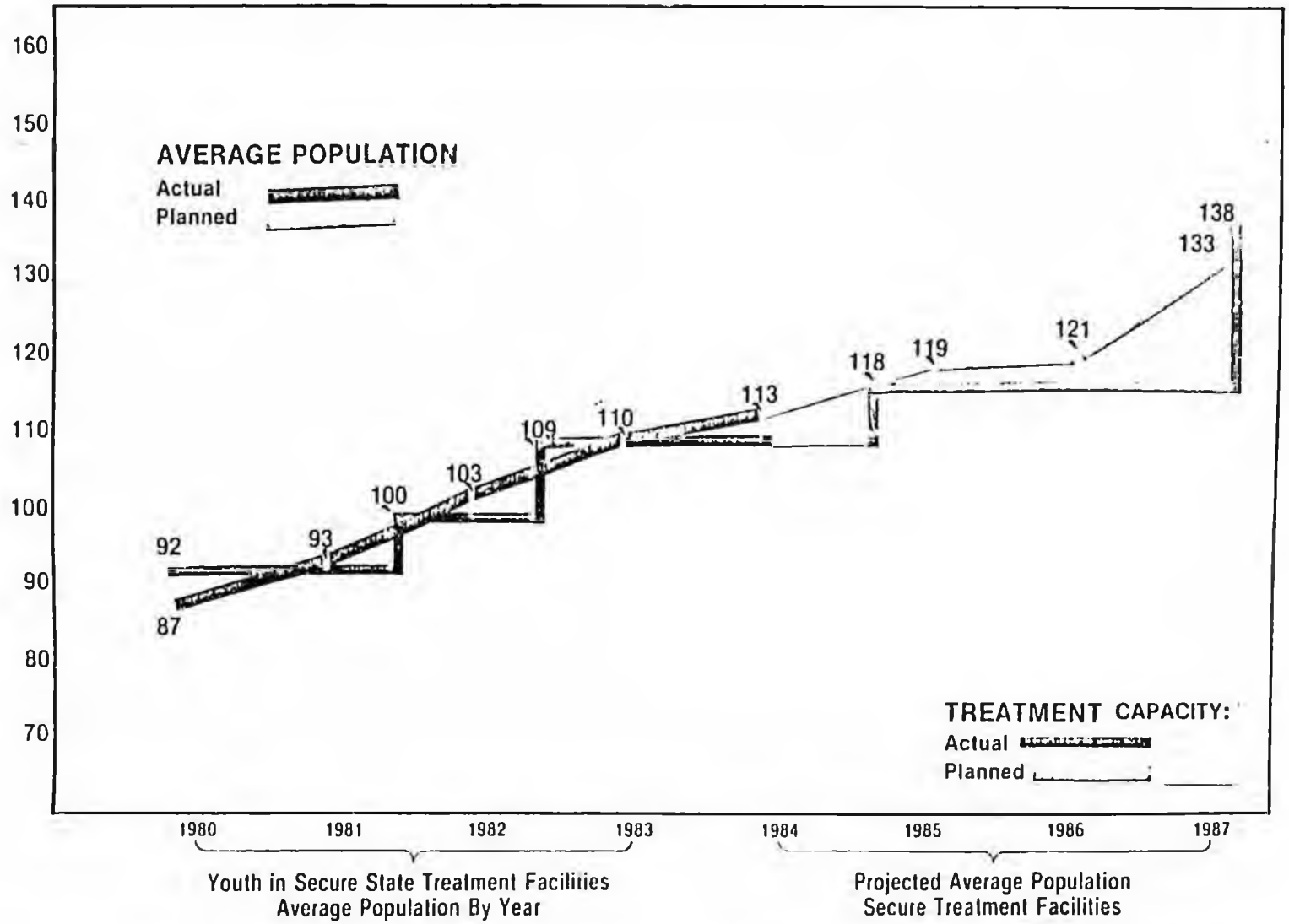


CHART 7

GROWTH IN DETENTION

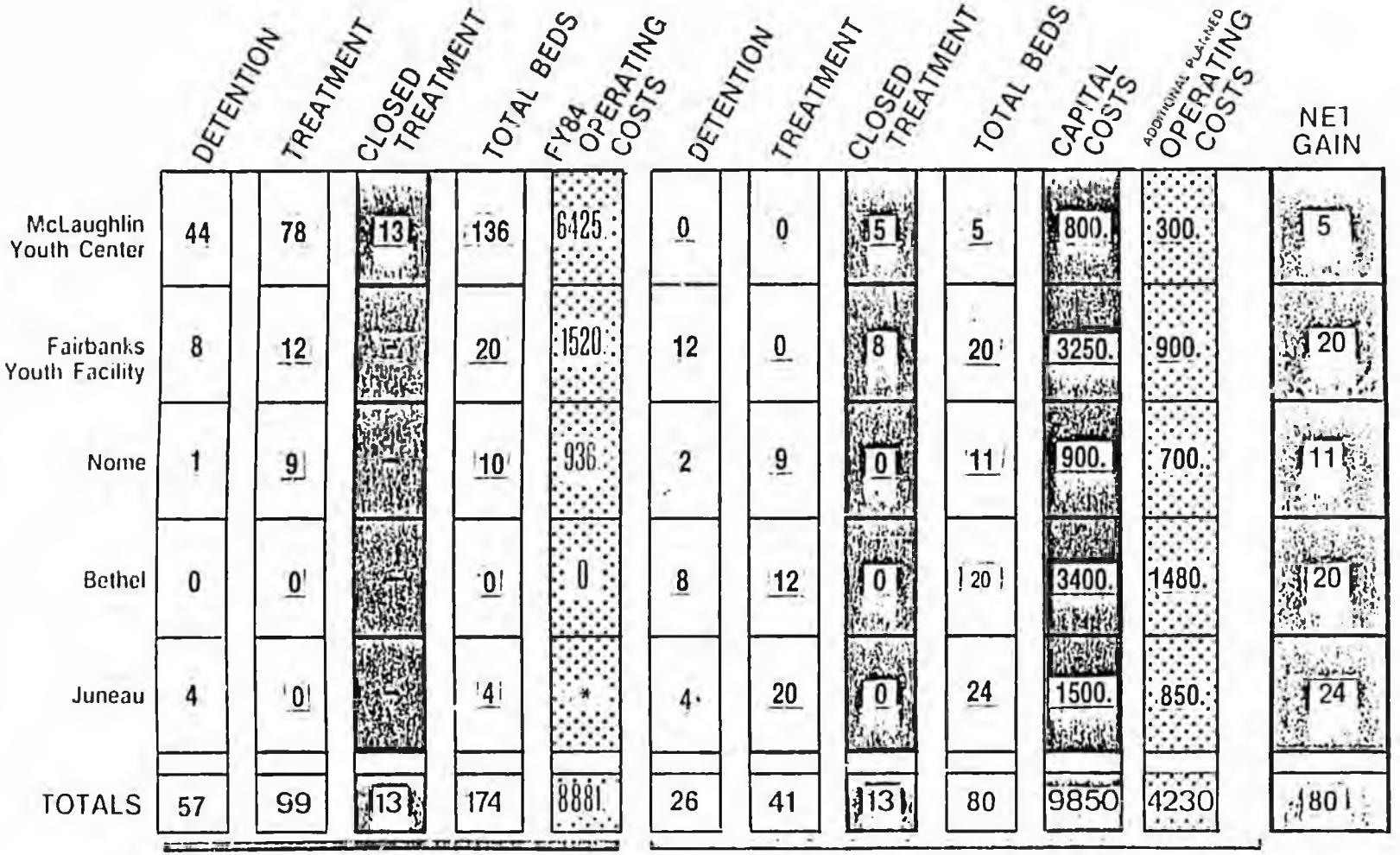


GROWTH IN SECURE TREATMENT



DIVISION OF FAMILY AND YOUTH SERVICES

Secure Youth Facilities



Sources: Division of Family and Youth Services, Capital Budget FY85
Department of Health and Social Services, Capital Plan FY85
Division of Family and Youth Services, Budget FY84

*Information not comparable; operated as facility for both adult prisoners and juveniles in FY84

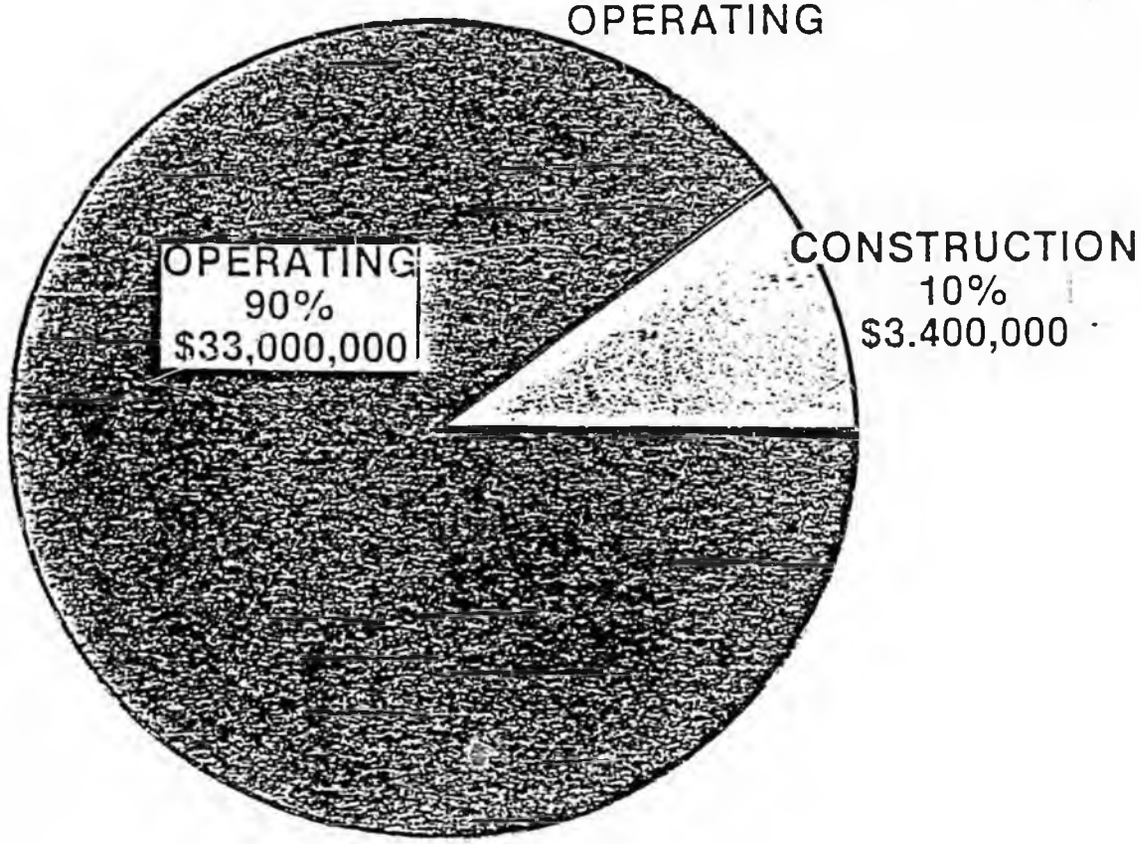
TYPICAL YOUTH FACILITY COSTS
20 Beds

CONSTRUCTION

Cost per bed	170,000
Cost per facility	3,400,000

ANNUAL OPERATING

Staff cost	1,160,000
Food cost	72,000
Maintenance	60,000
Utilities	43,900
TOTAL ANNUAL OPERATING	1,335,900



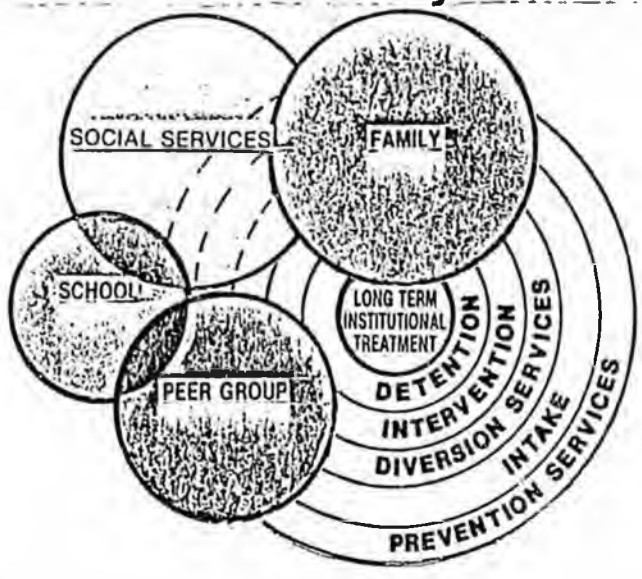
Life Cycle Cost Comparison
20 Year Life Expectancy

Source: Division of Family and Youth Services
Fiscal Year Budget 1985

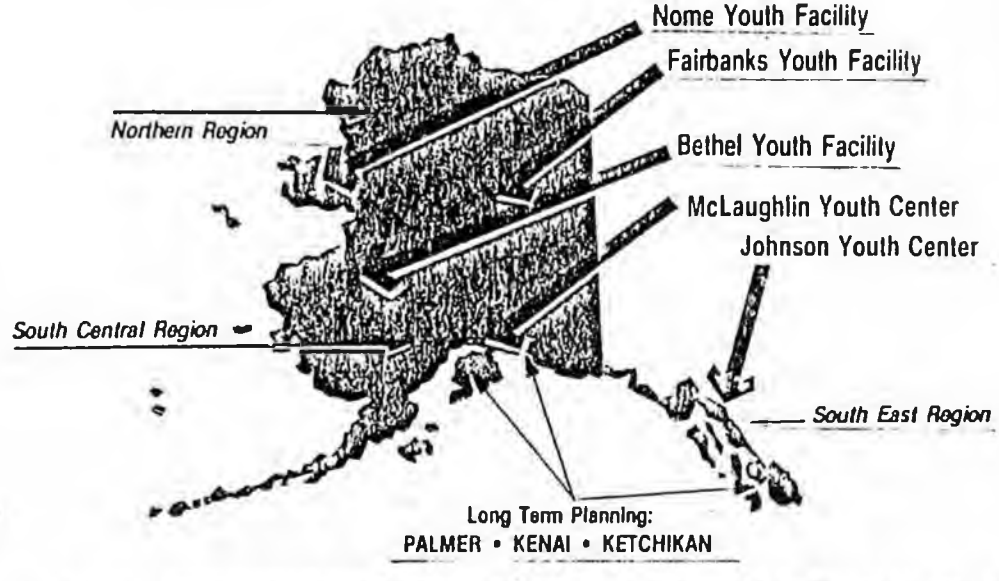
REGIONAL YOUTH DETENTION AND TREATMENT CENTERS

Youth Community Based Services - Division of Family and Youth Services

1978



1988



Municipality of Anchorage

POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-6730

TONY KNOWLES, MAYOR

COMMISSION YOUTH
825 "L" Street

December 26, 1985

Senator Patrick Rodey
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Rodey:

Earlier this year you had asked the Anchorage Commission on Youth to respond to SB 264, an act relating to juvenile waiver. After researching and discussing the issue, the Commission unanimously voted to not support any proposed legislation to change the waiver laws and submit the following testimony to you and other concerned lawmakers.

To begin with, the Commission was unable to come up with any solid reasons to change the waiver laws. We feel it is a "non-issue", having been brought to the forefront of public discussion because of a few isolated incidences of juvenile crime.

As it exists now, there have been very few cases involving serious violent crimes that prosecutors have been unable to obtain a waiver of jurisdiction. Your answer to this fact has been that prosecutors are unwilling to attempt waiver because it is time comsuming and difficult to prove that the minor is not amenable to treatment under the current system. The Commission responds to this charge in two ways. First, should not the process of waiver be difficult, inherently possessing a number of checks and balances before the child offender is committed to a life behind bars? Second, it would seem unprofessional for prosecutors to say they are not willing to do their publicly mandated work of protecting the people because it is time consuming. If this is the case, then we suggest hiring more prosecutors.

The second point that the Commission would make is that it was less than five years ago that the responsibility for juvenile offenders switched from the Division of Corrections to Family & Youth Services. In the recent report on Juvenile Justice in Alaska, prepared by D.F.Y.S., it appears that this switch was indeed a wise decision by our lawmakers. "Despite widespread and persistent beliefs, juvenile crime in Alaska is neither increasing or

becoming more violent," says the first sentence in this report. Automatic waiver is a regression back to an old system that had few sucesses in rehabilitating juvenile offenders. In a few short years, the state has made significant strides in prevention and early intervention when it comes to juvenile crime. The data shows that this emphasis has worked and can continue to work with continued funding.

Though we have not seen a fiscal note for SB 264, or its House compliment, HB 205, we have seen fical notes for similar bills introduced in other years. One of these bills, CSHB 109 (1983), puts the cost around $1.5 million. In a time of fiscal constraint, the Commission does not believe that expenditures for additional prison cells to house juveniles is warranted, particularly if these costs would negatively effect expenditures for prevention and early intervention.

Finally, the Commission would like to respond to the popular claim that by passing an automatic waiver law, the community sends a strong message to juveniles that they will be severely dealt with when committing a violent crime. Frankly, we have never seen any data to support this claim and doubt that a potential juvenile offender is likely to reconsider before commiting a violent and/or heinous crime against another person, if he/she knew that they would be "severely dealt with". Granted, some youth have been exploited by others to believe that they will not get in trouble for commiting a crime because they are a juvenile. This, we fear, will never change, as there will always be vulnerable young people who will believe the lies of exploitive adults, unless, of course, we educate them first, regarding our laws and legal system. Educational programs like the Police/School Liaison Project, jointly funded by the Municipality and the Anchorage School District, sends a far clearer message to young people about crime and punishment than SB 209 or HB 205 ever could.

Thank you for the opportunity to respond to this issue.

Sincerely,

Dean W. Kriner, Jr.
Chairman

cc: Members of Senate H.E.S.S. Committee
Members of Senate Judiciary Committee
Members of House H.E.S.S. Committee
Members of House Judiciary Committee
Members of House Finance Committee
Patrick Reinhart, Staff Support/Commission on Youth
Jewel Jones, Director, Department of Health & Human Services
John Franklin, Commissioner of Public Safety, M.O.A.
Chip Dennerlein, Intergovernmental Affairs, M.O.A.
Dave Walsh, Chairman, Anchorage Assembly

Municipality of Anchorage

POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-6730

TONY KNOWLES
MAYOR

DEPARTMENT OF SOCIAL SERVICES
825 L St.

January 9, 1985

Senator Patrick M. Rodey
Senate Judiciary Chairman
Pouch V
Juneau, Alaska 99811

Dear Senator Rodey:

The Anchorage Commission on Youth is interested in the proposed revisions to the Alaska Juvenile Code. A comprehensive approach aimed at creating laws which serve the best interest of youth and their families is a wise and necessary step.

The Commission on Youth offers its support for such an endeavor and would like to assist you with your efforts specifically, if a task force or committee is to be created to spearhead the revisions, the Commission would like to offer a representative.

In the past year, the Commission on Youth has published a report that highlights the problems of Youth-At-Risk in Anchorage and suggests several possible solutions to these problems which should be considered during the code revisions. The report is included for your review and comments.

Please consider the Commission's offer of assistance in your efforts to revise Alaska's Juvenile Code and we would like to be kept informed of any steps taken in this direction. You can contact me at 563-4444 or the Commissions staff at 264-6549.

Sincerely,

Bill Wood

Bill Wood Jr., Chairperson
Anchorage Commission on Youth

Enclosure (1)

VICTIMS
3100 Mt. View Dr.
Anchorage, Alaska 99501

October 10, 1985

Dear Supporters,

Alaskans through negligence are subtley losing their rights. Since my parent's death I have been made aware of the injustices that are happening through small interest groups that are pushing through laws that are not for "we the people". My goal is to keep abreast of these issues and keep you informed. When an issue needs the masses of people to respond, I trust you will be there. WE can make a difference in our world!

There will be a public teleconference hearing on House Bill 205, Wednesday November 20, 1985. The hearing will be held in the second floor conference room of the Anchorage Legislative Information Office, 1024 W. 6th Ave. from 1:00 p.m. to 6:00 p.m. and from 7:30 p.m. to 10:00 p.m. Juneau, Fairbanks, Sitka and Ketchikan will also be having teleconferences at their respective Legislative Information Office. This bill is a weak bill waivering juveniles who commit murder to adult court at the age of 16 or 17. But if we turn out in masses it will confirm the point that "we the people" are tired of the leniency of laws regarding juveniles who are committing over 50% of the crimes. You may obtain a copy of this bill at the L.I.O. in your town. If your town does not have a teleconference hearing set up you may request one from your legislator.

I am enclosing a petition which briefly states some points that "we the people" need in a bill to help rehabilitate juveniles before they commit heinous crimes. Point 2B of the petition, refers to keeping the youth actively busy doing physical labor. Idle time gives these kids time to plan and plot and come out a better criminal, whereas hard work teaches self-respect and uses up excess energy.

Please get your petitions signed and to your legislator by December 15th. Make as many copies of this petition as you need. Send duplicate copies to me shortly after you take the originals to your legislator for my files.

When the law is written we will obtain a copy and then let our collective voices be heard at public hearings. By all of us working together we CAN CHANGE OUR WORLD!

Sincerely yours,
Janice Lienhart
Janice (Faccio) Lienhart
Enclosures

PETITION FOR BETTER JUVENILE LAWS

1. All persons 16 years or over charged with an offense designated as a felony (rape, murder, felony assault) shall be prosecuted as an adult.
2. All minors under 16 commiting a non-felony offense shall: A. Pay a fine commensurate with the offense and /or do public service if they are a first offenders.
B. Be institutionalized and compelled to do physical work, if they are a second offenders.
3. All juveniles under 16 contained for a felony should be re-evaluated at 18.

NAME	ADDRESS	PHONE
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315 167

1981
CRIME IN ALASKA

Office of Justice Assistance
Department of Law

AGE, SEX AND RACE OF PERSONS ARRESTED
UNDER 18 YEARS OF AGE
STATEWIDE
1981

			10 and UNDER	11-12	13-14	15	16	17	TOTAL UNDER 18	WHITE	BLACK	NATIVE	OTHER
MURDER / NONNEG MANSL.	01A	M	0	0	1	0	0	1	2				
		F	0	0	0	0	0	0	0	2	0	0	0
MANSLAUGHTER BY NEGLIGENCE	01B	M	0	0	0	0	0	0	0				
		F	0	0	0	0	0	0	0	0	0	0	0
FORCIBLE RAPE	02	M	0	0	2	2	3	1	8				
		F	0	0	0	0	0	0	0	2	1	3	2
ROBBERY	03	M	0	0	3	1	9	7	20				
		F	0	0	0	3	0	0	3	9	7	5	2
AGGRAVATED ASSAULT	04	M	2	8	5	8	10	16	51				
		F	0	0	1	3	0	4	8	40	0	12	7
BURGLARY	05	M	33	39	130	88	101	107	498				
		F	1	8	8	1	5	1	24	369	34	37	82
LARCENY / THEFT	06	M	181	218	300	188	199	189	1275				
		F	53	78	146	62	73	62	474	1279	148	236	86
MOTOR VEHICLE THEFT	07	M	4	12	45	38	38	38	175				
		F	1	1	5	3	4	3	17	121	5	25	41
OTHER ASSAULTS	08	M	3	5	16	12	28	29	93				
		F	0	3	13	10	9	9	44	67	7	36	27
ARSON	09	M	3	4	7	2	2	2	22				
		F	1	0	0	0	0	0	1	13	0	3	7
FORGERY & COUNTERFEITING	10	M	0	1	4	0	2	6	13				
		F	0	0	1	1	3	1	6	14	1	1	3
FRAUD	11	M	1	0	2	5	3	6	17				
		F	0	0	3	1	3	8	15	27	2	2	1
EMBEZZLEMENT	12	M	0	0	0	0	4	6	10				
		F	0	0	0	0	3	6	9	16	3	0	0
STOLEN PROPERTY	13	M	0	1	2	1	2	1	7				
		F	0	0	0	0	2	0	2	7	0	2	0
VANDALISM	14	M	66	38	47	36	36	45	268				
		F	7	2	3	3	3	12	30	205	8	38	47
WEAPONS	15	M	4	2	9	12	9	13	49				
		F	0	0	2	1	0	2	5	35	2	13	4
PROSTITUTION & COMM VICE	16	M	0	0	1	0	0	0	1				
		F	0	0	0	0	3	1	4	4	0	1	0
SEX OFFENSES	17	M	0	1	7	5	10	3	26				
		F	0	0	0	0	0	6	6	25	0	1	6
SALE - OPIUM,COCAINE,ETC.	18a	M	0	0	1	0	0	1	2				
		F	0	0	0	0	2	0	2	3	0	0	1
SALE - MARIJUANA	18b	M	0	1	2	1	4	0	8				
		F	0	0	1	1	0	1	3	8	0	1	2
SALE - SYNTHETIC DRUGS	18c	M	0	0	0	0	0	0	0				
		F	0	0	0	0	0	0	0	0	0	0	0
SALE - OTHER NON-NARCOTIC	18d	M	0	0	1	5	0	2	8				
		F	0	0	1	0	0	0	1	5	1	2	1
POSS - OPIUM,COCAINE,ETC.	18e	M	0	0	1	0	2	5	8				
		F	0	0	2	0	1	0	3	9	0	1	1
POSS - MARIJUANA	18f	M	1	4	50	40	73	67	235				
		F	1	1	22	20	15	8	67	260	10	26	6
POSS - SYNTHETIC DRUGS	18g	M	0	1	5	0	1	0	7				
		F	0	0	4	0	0	0	4	11	0	0	0
POSS - OTHER NON-NARCOTIC	18h	M	0	0	0	2	0	1	3				
		F	0	0	1	0	0	0	1	3	0	0	1
GAMBLING	19	M	0	0	0	0	0	0	0				
		F	0	0	0	0	0	0	0	0	0	0	0
OFFENSES AGAINST FAMILY	20	M	0	0	0	0	0	0	0				
		F	0	0	0	0	0	0	0	0	0	0	0
DRIVING UNDER THE INFLUENCE	21	M	2	0	1	3	18	61	85				
		F	0	0	1	0	3	8	12	73	0	15	9
LIQUOR LAWS	22	M	2	8	40	113	289	421	873				
		F	0	5	99	111	122	189	536	666	2	344	397
DRUNKENNESS	23	M	1	1	0	0	1	2	5				
		F	0	0	2	3	1	3	9	5	1	8	0
DISORDERLY CONDUCT	24	M	0	0	9	11	15	31	66				
		F	0	0	6	7	3	16	32	58	2	30	8
VAGRANCY	25	M	0	0	0	0	0	0	0				
		F	0	0	0	0	0	0	0	0	0	0	0
ALL OTHER OFFENSES	26	M	8	15	41	37	74	81	256				
		F	5	8	27	15	19	21	95	261	11	44	35
SUSPICION	27	M	0	0	0	0	0	0	0				
		F	0	0	0	0	0	0	0	0	0	0	0
CURFEW	28	M	6	9	67	81	83	63	309				
		F	5	6	58	65	32	32	198	285	5	92	125
RUNAWAY	29	M	4	5	22	7	13	6	57				
		F	2	7	30	12	7	2	60	82	1	22	12
TOTALS			397	492	1259	1020	1352	1608	6128	3964	251	1000	913

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 264
Title : "An Act relating to unlawful conduct of minors..."

Sponsor : Senator Rodey
Requestor : Senate HESS
Date of Request : 2/18/86

FISCAL DETAIL

Agency Affected : Public Safety
BRU : Alaska State Troopers

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

KNiles
Prepared by : Kathy Niles, Admin. Assistant — Phone : 465-4336
Division : Commissioner's Office — Date : 2/18/86

Approved by Commissioner : [signature] — Date : 2/18/86
Agency : Public Safety

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

BILL SHEFFIELD
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

November 21, 1984

The Honorable Patrick Rodey
801 West Fireweed, Suite 102
Anchorage, AK 99503

Dear Senator Rodey:

Thank you for your letter of November 2 regarding practical changes which can be made to the Alaska Juvenile Code.

For a number of years, various parties have sought unsuccessfully to create an automatic waiver for certain juveniles from Juvenile Court to Adult Court. Essentially, I would like to continue the current discretionary waiver practice irrespective of the offense. It is my understanding that under the current law, prosecutors have rarely, if ever, had such a request denied. To retain the prerogative of the court in this manner will more effectively ensure that both the public and the child are adequately served.

Beyond these views, I would recommend that the Department of Law and the Department of Health and Social Services could provide a more in-depth critique of the current Juvenile Code.

Thank you for providing me with this opportunity to express my views.

Sincerely,

Marsha A. Hubbard

Marsha A. Hubbard
Special Staff Assistant
to the Governor

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

POUCH H-05
JUNEAU, ALASKA 99811
PHONE: (907) 465-3170

April 24, 1986

The Honorable Patrick Rodey
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Rodey:

I was present at the Senate HESS committee hearing on SB 264 and heard with interest your testimony concerning the bill. I was particularly interested in your testimony concerning the need for provisions relating to fingerprinting of minors. As I recall, you indicated that some 70% of burglaries in Alaska's urban areas (I assume primarily Anchorage and Fairbanks) were committed by juveniles. Since I was unfamiliar with this statistic and it seemed inconsistent with the general information I had reviewed previously, I asked my staff to research the issue so I could be more fully informed and correct in my future testimony.

We were unable to independently find a source for the information and requested the source from your staff. We have thoroughly reviewed the source indicated - the 1985 report of the Anchorage Chamber of Commerce Crime Commission - but were unable to find the information cited in your testimony. Failing that, we sought information directly from published police statistics - the "Crime in Alaska" reports published annually by the Department of Public Safety. These reports provide information on crimes reported, arrests, and "clearances" or offenses solved by an arrest, as well as other information.

We reviewed these reports for the period 1977 through 1984, looking specifically at burglaries reported and confirmed by police, burglary arrests, and offenses "cleared" or solved by an arrest in Anchorage, Fairbanks, and statewide. In analyzing this information, we noticed an interesting pattern which is present in national property crime data as well as in Alaska - juveniles are responsible for far fewer crimes than is indicated by arrest statistics. For instance, in Anchorage in 1984, 138 juvenile arrests comprised 52.1% of burglary arrests but these arrests solved only 74, or 38% of the burglaries solved indicating multiple arrests for a single offense. In contrast, 127 adult arrests, comprising only 47.7% of arrests for burglary, resulted in solution of 117 burglaries, or 61.3% of those solved. In fact, in Anchorage in all years except 1984 (1977 through 1983) burglaries solved by arrest of an adult outnumbered adult arrests (the extreme case was 1981 in which adult offenses exceeded adult arrests by more than 100%). This indicates a pattern of multiple offenses by adult offenders prior to arrest which is in direct contrast to the pattern found with juvenile offenders.

The Anchorage pattern reflects the statewide and national patterns which show that the actual number of offenses attributable to juveniles is overrepresented by arrest statistics since, as studies show, juveniles often commit crimes in groups and are more likely to be apprehended than adult offenders owing to a number of factors such as lack of sophistication and inexperience in criminal activity. Statewide in Alaska in 1984 juvenile arrests accounted for 48.3% of burglary arrests, but only 33.7% of burglaries solved were solved by arrest of a juvenile. In contrast, adults accounted for 51.7% of burglary arrests but 66.3% of offenses solved. Nationally, in 1983 (the most recent year for which we could readily find statistics) juvenile arrests for burglary accounted for 38.3% of total burglary arrests while only 22.8% of offenses solved were attributable to juveniles. This compares to 61.7% of arrests and 77.2% of offenses for adults.

While the reports indicate that most burglaries go unsolved by police, it would not seem logical to conclude that juveniles commit a disproportionate number of those unsolved burglaries, as some have asserted. The evidence seems to indicate precisely the opposite - since juveniles are more likely to be apprehended than adult offenders, fewer of the unsolved burglaries would seem to be attributable to juveniles than is true of those offenses that are solved.

Because I was unable to find the information you cited in testimony before the Senate HESS committee and my recollection of the information presented seems to differ markedly from information I was able to obtain from official police sources, I was concerned that perhaps I had misunderstood your comments. If I have done so, I apologize for taking your time with information about which you were undoubtedly already aware. If not, I would appreciate it if your staff could provide a more precise reference in order that I do not overlook important information.

Thank you for your time and consideration.

Sincerely,

Michael L. Price

Michael L. Price
Director

MLP:RW:lh

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 264 (HESS)
Title : "An Act relating to the waiver of children's court jurisdiction, and to the...fingerprinting...minors..."
Sponsor : Senator Rodey
Requestor : Senate Judiciary
Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
BRU : Alaska State Troopers
Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

K Niles

Prepared by : Kathy Niles, Admin. Assistant — Phone : 465-4336
Division : Commissioner's Office — Date : 4/23/86

Approved by Commissioner : [signature] — Date : 4/24/86
Agency : Public Safety

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSSB 264 (HESS)

Neutral

April 23, 1986

CSSB 264 (HESS) - "An Act relating to the waiver of children's court jurisdiction, and to the detention, fingerprint, and sentencing of minors; and amending Rule 24 of the Alaska Rules of Children's Procedure."

Section 4, AS 47.10.125 (B), requires that we maintain files separate from adults. This would serve no practical purpose since our files are kept in a computer. We could keep them in state without a problem and the hard copy could be kept in separate cabinets, but the data from the minutia should be in the computer.

Fingerprints obtained under this section should not be purged.

Prince George County in Maryland has an Automated Fingerprint System. They also fingerprint juveniles. They found their data base consists of 6% juveniles and 94% adults. Over half of the latent prints identified from an investigation, using their equipment, are identified as juvenile prints contained in their files.

Robert J. Sundberg

DIVISION OF FAMILY AND YOUTH SERVICES
STATISTICS 1-15-86

	FY 1978	FY 1983	FY 1985
I. At Risk Population	135,218	153,536	171,000
	---------- 26% increase ----------		

Youth Services	CY 1980	CY 1985	% INCREASE /CHANGE
Average # youth under probation supervision	847	1,448	+71%
# youth admitted to youth services detention facilities	1,198	1,995	+67%
Average daily census/youth services detention facilities	45.4	88.2	+95%
# youth admitted to youth services treatment facilities	86	171	+99%
Average daily census/youth services treatment facilities	83.9	11.7	+33%

II. Indices of juvenile crime indicate continued decreases for the last seven (7) years.

	1979	1980	1981	1982	1983	1984	1985
Total arrests	5,697	5,569	6,128	5,509	5,349	4,521	----
Total intakes	-0-	5,857	6,368	6,079	6,188	6,318	6,212
Arrest rate per 1000 0-18 years	43.15	42.59	42.99	36.35	33.41	27.07	N/A
Intake rate per 1000 0-18 years	N/A	44.79	44.46	40.08	38.65	37.82	36.32

III. Total arrest for juvenile violent crimes.

Murder	3	2	2	8	2	5	N/A
Manslaughter	0	0	0	0	2	0	N/A
Rape	13	7	8	14	29	8	N/A
Robbery	32	25	23	13	10	20	N/A
Aggravated Assault	46	82	59	86	75	72	N/A
Total Juvenile Arrests for Violent Crimes	94	116	92	121	118	105	N/A
Juvenile Arrest Rate Violent Crimes per 1000	.71	.88	.64	.79	.70	.63	N/A

IV. Information for Anchorage and Fairbanks

	1979	1980	1981	1982	1983	1984	1985
Total Intakes Anchorage	2,431	2,270	2,741	2,235	2,283	2,111	2,156
Total Juvenile Arrests Anchorage	1,997	1,927	2,266	1,863	1,957	1,641	N/A
Total Intakes Fairbanks	1,296	1,339	1,323	1,163	1,108	953	798
Total Juvenile Arrests Fairbanks	445	483	526	391	362	418	N/A

V. Twenty six (26) waivers were verified as granted for the years 1981 through 1985 inclusive. Waivers granted but on appeal, overturned on appeal, or not documented have not been included.

Murder, First Degree	10
First and Second Degree Sexual Assault (or attempts)	5
Burglary	4
Second Degree Theft	1
Second Degree Criminal Mischief	1
Possession of Marijuana	1
Minor Consuming	1
Assault, Fourth Degree	1
Escape, Third Degree	1
Distribution of Drugs	1
TOTAL	26

VI.

	FY 1981	FY 1985
Youth Services BRU	7,318.7	13,545.3
Foster Care	1,338.6	1,936.9
Institutional Care	1,139.2	1,207.6
TOTALS	9,796.5	16,689.8

DIVISION OF FAMILY AND YOUTH RECIDIVISM STUDY

In FY 82, the Division of Family and Youth Services initiated a study of recidivism among those delinquents released from DFYS' institutional treatment programs who have reached age 18. The study tracks the adult criminal records of youth released in each fiscal year. Those released during FY 81 have been traced nearly 5 years, and those released in each succeeding fiscal year have been tracked proportionately less time from the time of their release to January, 1986.

Because of limited staff resources and time, and because the youth studied represent the most serious of delinquent youth, the study was limited to felony arrests. The following summarizes the results to date.

The study shows that of 482 youth released, 356, or 74% have not been re-arrested for a felony. Of the 26% who have been arrested for felonies, 60% have committed only one felony offense. A small group of multiple offenders -- 5% of the youth released are responsible for 40% of felony offenses committed by the group of youth released.

YOUTH DISCHARGED FY 81 - FY 85

Total Discharged	Number Arrested for Felony	% Arrested for Felony	= Not Arrested for Felony	% Not Arrested for Felony
482	126	26%	356	74%

BREAKDOWN OF OFFENSES BY YOUTH ARRESTED

Total Offenses	Unclassified Felony	A Felony	B Felony	C Felony
# 211	1	15	54	141
% 100	Less than 1%	7%	26%	67%

	Number of Felony Offenses Per Youth Arrested			
	No Offense	1 Offense	2 Offenses	3 Offenses	4 or More Offenses
Number of Youth	356	76	25	19	6
Number of Offenses	0	76	50	57	28
Percent of Youth Released	74%	16%	5%	4%	1%
% of Offenses	0	36%	24%	27%	13%
Percent of Youth Arrested		60%	20%	15%	5%

WAIVERS

SCRO

1983

Waived [redacted]

A fifteen-year-old male, in a drunken state killed three (3) people in the village of Pilot Point. [redacted] was waived to Adult Court on three counts of Murder I, Murder II, three counts.

1984

Attempted [redacted]

A fourteen-year-old male charged with Murder I. [redacted] was accused of murdering a convenience store clerk. The waiver was denied; a B-1 order was issued. An appeal has been filed.

Waived [redacted]

A fifteen-year-old male charged with Murder I, Robbery I. [redacted] and co-defendent were accused of murdering a taxicab operator for $30.00. Waiver to Adult Court was granted.

Waived [redacted]

A sixteen-year-old charged with Murder I, [redacted] was accused of murdering a taxicab driver with [redacted] Waiver was granted.

Waived [redacted]

A seventeen-year-old resident of McLaughlin Youth Center, [redacted] assaulted a staff member during the early morning hours and escaped. [redacted] was waived to Adult Court with the charges of Escape 2nd, Assault 4th.

1985

Waived [redacted]

A Kenai youth who was charged with Assault I, [redacted] was waived to Adult Court and pled guilty to Assault 4th.

SCRO WAIVERS (Continued)

Attempted [redacted]

Charged with Theft II, [redacted] previously had been waived to Adult Court and received 45 days. He was not waived on the Theft 2nd charge. He was placed on a deferred order, and absconded. A warrant has been issued.

Waived [redacted]

Accused of murdering the Facio's, [redacted] was waived on a Murder I charge.

Waived [redacted]

Brutally beat and sexually assaulted a woman in Palmer, he then burglarized the home. Due to the brutality of the rape, [redacted] was waived to Adult Court.

Attempted [redacted]

A seventeen-year-old who was charged with six (6) counts of sexual abuse of a minor, [redacted] was accused of sexually assaulting his niece and nephew, ages 4, 7 and 8. The waiver was denied, and a B-1 order issued.

Waived [redacted]

Seventeen years old when he sexually assaulted an Anchorage woman while burglarizing her home, [redacted] was waived to Adult Court after he turned eighteen years old. Reason for the delay was that the District Attorney originally did not file on this case.

Waived [redacted]

The sixteen-year-old co-defendant of [redacted] was waived to Adult Court on Murder II, Robbery I, for the execution of a convenience store clerk.

WAIVERS

NRO

1983

Waived [redacted]

A Bethel youth, [redacted] shot a man in the head. Charged with Murder II. [redacted] was 16 years old.

Attempted [redacted]

An 18 year old Bethel youth, charged with sex abuse of a minor. Waiver was denied and a B-1 order issued.

Waived [redacted]

A Bethel youth, he had an accomplice who held the victim, while [redacted] raped her.

1984

Attempted [redacted]

A 17 year old youth from Adiak Village who was charged with Assault I, Burglary I, attempted sexual assault. The waiver was denied, and a B-1 order issued.

1985

Waived [redacted]

A 17 year old youth who shot the village police officer to death after burglarising a store.

WAIVERS

SERO

1983

Waived [redacted]

An 18 year old Juneau youth, [redacted] and a fifteen-year-old were drinking in a park, knocked a woman's boyfriend out, and then took turns raping her.

1984

Waived [redacted]

Criminal Mischief in Hoonah. A three-year history of theft and alcohol. Previously institutionalized twice at McLaughlin Youth Center.

Waiver Withdrawn [redacted]

A seventeen-year-old Scagway youth, charged with Murder I. Petition to waive was withdrawn.

1985

Waived [redacted]

[redacted] was a 17 year old youth who raped a boy in the Ketchikan Jail.

POSITION PAPER/Department of Health & Social Services

POSITION PAPER

SENATE BILL 264

An Act relating to "Unlawful Conduct of Minors; and Amending Rule 24 of the Alaska Rules of Children Procedure."

PROBLEMS ADDRESSED BY THE BILL

Public concern about juvenile crime has served to focus attention on certain aspects of the juvenile justice system which may be strengthened. Primary focus of attention has been on strengthening the mechanism for waiving juvenile jurisdiction and pursuing prosecution of serious or chronic juvenile offenders within the adult system. This bill addresses waiver of juvenile jurisdiction as well as civil liability of parents and emancipated minors for damage caused by delinquent acts, disclosure of information about the disposition of delinquency matters to victims of delinquency, and fingerprinting of minors for investigative and other purposes.

WAIVER AND TRANSFER BACK PROVISIONS

This bill would institute an automatic waiver of juvenile jurisdiction based on age (16 years of age or older at the time of the offense) and offense charged (unclassified or class A felony). It would also, maintain a judicial or discretionary waiver based on probable delinquency and a finding that the juvenile is not amenable to treatment. A youth subject to automatic waiver could petition the court for a transfer back to juvenile court jurisdiction which could be granted if the court found, after consideration of six specific factors, that justice would best be served if the youth was not prosecuted as an adult.

The automatic waiver provision of this bill is broad, basing waiver decisions on offense charged and age, and applying to class A as well as unclassified felonies. Because of this broad application it is expensive to implement and may result in waiver of youths who could be adequately controlled and rehabilitated within the juvenile justice system. Studies have shown that age and a single offense are not good indicators of future criminal behavior or dangerousness. Instead, a pattern of chronic delinquency, particularly if delinquency began at a relatively early age, is a much better predictor of future criminality and violent behavior.

Automatic waiver provisions generally remove reviewable court discretion and attendant procedural safeguards and replace them with prosecutorial charging discretion. Although the transfer back provision of this bill provides some check on error or abuse of discretion it is limited. For example, it would not allow for return to juvenile jurisdiction of a youth subject to automatic waiver who was ultimately convicted of a lesser charge which would not have made the youth subject to automatic waiver. Also, while transfer back mechanisms are a desirable and necessary safeguard under automatic waiver, the transfer back provision of this bill would be costly to implement. Since virtually all automatically waived youth could be expected to petition for return to juvenile jurisdiction, the equivalent of a waiver hearing would be held in nearly all cases.

CONFINEMENT OF WAIVED JUVENILES

Section 1 of SB 264 seems intended to insure that, if incarcerated, waived juveniles are protected from victimization by adult prisoners and provided differential and appropriate treatment until they have reached adulthood. This is an appropriate approach. However, since waived juveniles are considered adult prisoners they must be housed separately from minors under juvenile court jurisdiction. In addition, this bill does not address confinement of waived but unconvicted juveniles. Because these youths are considered adult prisoners they are presently housed in adult facilities. Under the provisions of this bill, waived juveniles would be held in adult facilities until convicted and then transferred to separate sections of juvenile facilities until reaching age 18 at which time they would be again transferred to an adult correctional facility if more than one year remained on their term of imprisonment. An effective and comprehensive approach to the issue of confining waived juveniles would be to require that upon waiver to adult jurisdiction juveniles be housed in adult facilities but separately from adult offenders pending trial and after conviction until reaching the age of majority.

CIVIL LIABILITY

Section 2 of the bill raises from $2000 to $5000 the amount victims may recover in civil damages from the parents of minors who destroy real or personal property belonging to the victim. Section 3 would make emancipated minors civilly liable for damages caused by the minor just as an adult would be. Provisions exempt parents from responsibility for the actions of their unemancipated children who have been found to be delinquents and who are in the custody of or under the supervision of the state.

The department supports an increase in the civil liability of parents and emancipated minors to a level which reflects changed economic circumstances since the passage of the original law. However, the department does not support exempting parents from civil liability simply because their children are under the supervision of the state. This provision would exempt parents from civil responsibility for the actions of their children if the child were under probation supervision even though the child might be residing in the parental home. The department suggests that exemptions for parental responsibility apply only in those cases in which a child is committed to the custody of the department and resides outside the parental home in a placement provided by the department. Suggested language is attached.

FINGERPRINTING

Section 9 of the bill would establish a statute defining circumstances under which minors may be fingerprinted and governing the maintenance, dissemination, and use of fingerprint records. The bill would establish six circumstances under which fingerprints of minors may be taken. Only

two of these would differ from existing though uncodified practice. These are: (1) when a minor is in custody for a felony offense and fingerprints taken are to be used in furthering the investigation of that offense; and (2) when the minor is adjudicated delinquent on the basis of an offense that would be a felony if committed by an adult.

Present practice is governed by Rule 24 of the Children's Rules of Procedure which requires that no child be fingerprinted while in custody except with consent of the children's court on a showing of cause. The rule indicates that cause exists where the child is in custody for a serious offense against persons or property or where identification of the child is necessary for the safety of the child or others.

The provision in SB 264 allowing fingerprinting of a minor in custody for a felony offense does not differ greatly from the existing practice except that it would eliminate review by the court and establish the possibility for abuse of discretion by police agencies. Under that provision youths could be arrested simply to obtain their fingerprints for use in an investigation. This would also be encouraged by the provision allowing use of fingerprints taken under such circumstances for up to two years even if the youth were never formally charged.

SB 264 would also provide that a minor could be fingerprinted following an adjudication of delinquency based on a felony offense. Fingerprints taken under such circumstances would be maintained indefinitely and accessible for investigative purposes. No provision is made for access to or destruction of fingerprints of minors adjudicated delinquent on the basis of felony offenses following closure of juvenile court proceedings or the minor's reaching the age of majority. Suggested language is attached to address these points.

DEPARTMENT POSITION

The department strongly supports strengthening the mechanism for selectively identifying those youths who require sanctions and treatment qualitatively and quantitatively different from those available under the juvenile justice system. However, the department opposes an automatic waiver mechanism as being overly broad, too costly, and failing to provide the procedural safeguards and review necessary for careful identification and selection of such youth. Instead, the department supports strengthening the existing judicial waiver mechanism. Suggested language is attached, including a provision ensuring that once a minor has been waived and convicted as an adult the minor will be prosecuted as an adult for any subsequent criminal offense.

By changing the standard for making waiver decisions from "not amenable to treatment" to "no substantial likelihood of successful rehabilitation" under juvenile court jurisdiction waivers would be easier to achieve. By establishing a set of specific factors which courts are required to consider and weigh in totality in determining a youth's likelihood of successful rehabilitation waiver decisions would be made more uniform and

POSITION PAPER/Department of Health & Social Services

disparity would be reduced. This approach would be more selective than an automatic waiver and would continue to place discretion with the court. However, it would more clearly establish guidelines for exercise of judicial discretion. It would also be a less costly approach than an automatic waiver.

The department would support provisions of this bill relating to confinement of waived juveniles in juvenile facilities only if adequate resources were made available to carry out the requirements of the provisions.

The department supports increasing civil liability of parents of delinquent youth and emancipated minors and informing victims of the outcome of juvenile court proceedings. However, it is recommended that the exemption from civil liability apply only to parents whose children are in the physical custody of the state and outside the parental home, and that disclosure to victims of the identity of delinquent minors be left to the discretion of the court.

Provisions of this bill relating to fingerprinting of youth depart substantially from existing practice by requiring fingerprinting of minors adjudicated delinquent on the basis of a felony offense and eliminating court review before fingerprinting of juveniles in custody on felony offenses. The department recommends maintaining the procedural safeguards of present practice which allow ample opportunity for obtaining fingerprints of juveniles for investigative purposes while safeguarding against possible abuses.

RECOMMENDED: Michael L Price
Michael L. Price, Director
Division of Family
and Youth Services

DATE: April 30, 1985

APPROVED: John R. Pugh
John R. Pugh, Commissioner
Department of Health
and Social Services

DATE: 5/15/85

Suggested amendment to SB 264, Sec. 1:

* Sec. 1. AS 12.05 is amended by adding a new section to read:

Sec. 12.05.020. JURISDICTION OVER CERTAIN MINORS. (a) If the court has waived children's court jurisdiction over a person under the age of 18 under AS 47.10.060, that person shall be prosecuted as an adult.

(b) A person who has been convicted of an offense after being prosecuted as an adult under this section shall be prosecuted as an adult for any subsequent criminal offense.

Suggested amendment to SB 264, Sec. 3, proposed AS 34.50.020(e):

(e) The provisions of (a) of this section do not apply to destruction of property by an unemancipated minor under the age of 18 years who maliciously destroys property at the time the minor is committed to the Department of Health and Social Services under AS 47.10.080(b)(1) or (3), or (c)(1) or (3).

Suggested amendment to SB 264, Sec. 6:

* Sec. 6 AS 47.10.060 is repealed and reenacted to read:

Sec. 47.10.060. WAIVER OF JURISDICTION. (a) Upon motion of the prosecutor, and after a hearing, the court shall waive children's court jurisdiction over a person under 18 years of age if the court finds, based upon the preponderance of the evidence,

(1) that there is probable cause to believe that the person has committed an offense which would be a crime if committed by an adult; and

(2) that there is no substantial likelihood that the person can be successfully rehabilitated under children's court proceedings.

(b) In determining the likelihood of successful rehabilitation under children's court proceedings, the court shall consider

(1) the seriousness of the offense;

(2) whether the offense constituted a substantial danger to the public;

(3) whether the offense was committed in an aggressive, violent, premeditated, or willful manner;

(4) the person's role in the commission of the offense;

(5) whether the offense is part of a repetitive pattern of delinquent acts;

(6) the age, maturity, intellectual capacity, physical and mental health of the person;

(7) the success of any previous attempts to rehabilitate the person;

(8) the person's exhibited or expressed attitudes toward the victims of the crime, the authorities, society, and self;

(9) whether the children's court jurisdiction over the person can be retained long enough to allow for effective treatment or rehabilitation;

(10) the treatment resources available under children's court proceedings; and

(11) whether the protection of the community requires isolation of the person beyond that afforded by juvenile facilities.

(c) The court shall determine the weight to be given to each of the factors listed in (b) of this section and shall issue a written decision. A finding that there is no substantial likelihood of

successful rehabilitation of the person under children's court proceedings must be based on the combined weight of the factors. If the court waives children's court jurisdiction over a person, the court shall order the children's court proceeding closed and the person shall then be prosecuted as an adult.

(d) In this section, "waive children's court jurisdiction" means to order the transfer of a case from a court having jurisdiction over a person who was a minor at the time of the offense to a court that would have had jurisdiction if the person had been an adult at the time of the offense. A waiver of children's court jurisdiction includes the offense charged, lesser included offenses, and other related offenses.

Suggested amendment to SB 264, Sec. 9:

Sec. 47.10.125. FINGERPRINTING OF MINORS. (a) A law enforcement agency or the Department of Health and Social Services may fingerprint a minor only

(1) in accordance with a search warrant;

(2) when the minor is being prosecuted as an adult under AS 47.10.060(a);

(3) by order of the court when the minor is in custody for an offense that if committed by an adult would constitute a felony and the custodial agency secures the fingerprints to further the investigation of the offense;

(4) by order of the court where identification of the child is necessary for the safety of the child or others;

(5) when the minor is adjudicated a delinquent for the commission of an offense that if committed by an adult would constitute a felony;

(6) upon consent of both the minor and a parent or legal guardian of the minor who have been advised that the fingerprints cannot be taken without their consent.

(b) Fingerprints of a minor shall be kept separate from those of adults, shall be kept within the state rather than at a federal central depository, and shall be made available only to the following upon request:

(1) public agencies for use in the investigation and prosecution of criminal offenses for which the fingerprinted minor is a suspect;

(2) the minor when named in a juvenile court or adult court proceeding or the minor's attorney.

(c) Fingerprints of a minor taken under this section shall be destroyed by the authority charged with their maintenance

(1) when the minor is adjudicated for the offense regarding which the minor's fingerprints were taken and found not to be within the jurisdiction of the court for the offense;

(2) when a formal petition alleging the minor to be delinquent as a result of the offense for which the minor's fingerprints were taken has not been filed within 180 days of the date the fingerprints were taken, unless the minor consents to a delay as part of an informal disposition;

(3) when the minor is not adjudicated for the offense regarding which the minor's fingerprints were taken within two years of the date the fingerprints were taken;

(4) when the minor reaches 18 years of age or when jurisdiction over the minor is terminated, if the court retains jurisdiction beyond the minor's 18th birthday in accord with AS 47.10.100.

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SB No. 264
Title: An Act relating to unlawful conduct of minors
Sponsor: Sen. Rodey
Requestor: HESS
Date of Request: 3/29/85

FISCAL DETAIL

Agency Affected: Health and Social Services
Program Category Affected: Social Services
BRU, Program or Subprogram(s) Affected: Youth Services BRU

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES				563.3	585.8	609.3
200 TRAVEL				13.0	13.5	14.1
300 CONTRACTUAL				70.0	72.8	75.7
400 SUPPLIES				77.0	80.1	83.3
500 EQUIPMENT				13.0		
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS				60.0	62.4	64.9
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	796.3	814.6	847.3
CAPITAL		3,710.0	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND		3,710.0	-0-	796.3	814.6	847.3
FEDERAL FUNDS						
OTHER						
TOTAL		3,710.0	-0-	796.3	814.6	847.3

POSITIONS:

FULL-TIME		-0-	-0-	15	15	15
PART-TIME		-0-	-0-	-0-		
TEMPORARY		-0-	-0-	-0-		

ANALYSIS: Attach a separate page if necessary

See Attached

Prepared By: Michael G. Price
Division: Family and Youth Services
Phone: 465-3170
Date: 4/25/85

Approved by Commissioner: [signature]
Agency: Health & Social Services
Date: 5-5-85

fcc

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

IV. ANALYSIS

A. Assumptions:

Available statistical data indicates there would be approximately 31 juveniles, 16 years of age or older arrested annually for unclassified and Class A felonies. This number would be presumptively subject to adult prosecution under SB No. 264 and would represent an increase of 28 in the number of youths annually waived to adult jurisdiction. No data is available upon which to base a statistical analysis of the number of juveniles who would not be waived from juvenile jurisdiction by the court under the discretionary "interests of justice" provision of SB No. 264. For purposes of projection it is assumed that one juvenile in ten subject to waiver to adult jurisdiction through the "interest of justice" provision. Thus, of the 31 juveniles subject to presumptive waiver, approximately 3 would be retained within juvenile court jurisdiction. Thus, 28 juveniles would be subject to prosecution as adults.

Utilizing offense frequencies from juvenile arrest statistical and rates for conviction of adults similarly accused it is estimated that 17 juveniles would be convicted and sentence under adult criminal statutes annually if SB No. 264 were enacted.

B. Program Summary:

1. Positions

It is estimated that 15 positions will be needed to supervise the additional inmates. Included in this fiscal note are:

1 - Unit Leader	$ 48.8
3 - Youth Counselor III	$127.2
5 - Youth Counselor II	$185.7
4 - Youth Counselor I	$131.7
1 - Cook WG VII	$ 42.4
1 - Clerk Typist III	$ 27.5
	$563.3

2. Other Expenditures

a. Capital - 20 maximum security beds @ $185.5 = $3,710.0

b. Travel - Travel of staff to meetings, conferences, courses, and for transportation of new hires is included. 13 @ $1.0 $13.0

c. Contractual - Contractual Services are estimated for the additional costs for communications, utilities, copier usage, equipment rental, inmate laundry and fire, accident and liability insurance. $70.0

d. Commodities - Commodities include purchase of food, replacement of tableware, glassware, bedding, janitorial and cleaning supplies and general office supplies. $77.0

e. Equipment - One time equipment costs in FY 88 for new staff positions. Equipment is necessary for on-duty staff. $13.0

f. Grants - Gratuities, medical services, clothing, travel, psychological evaluations are all needs that are supplied from the grant line.
20 Beds @ $3.0 $60.0

g. A 4% inflation was used in computing subsequent fiscal years costs.

3. Economic Impact. There would be the economic impact on the state operating budget to care for the additional person's service time in confinement.

4. Impact on local governments. There would be no anticipated impact on local governments.

Original sponsors: Rodey, Faiks, Abood, et al

IN THE SENATE BY THE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

CS FOR SENATE BILL NO. 264 (HESS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the waiver of children's court jurisdiction, and to the detention, fingerprinting, and sentencing of minors; and amending Rule 24 of the Alaska Rules of Children's Procedure."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 12.55.015 is amended by adding a new subsection to read:

(e) If the court sentences a defendant to a term of imprisonment and the defendant is a minor over whom children's court jurisdiction is waived under AS 47.10.060, the court shall

(1) order that the defendant be confined in an institution designated by the Department of Health and Social Services for offenders under 18 years of age; and

(2) order that the defendant be transferred to an adult correctional facility when the defendant reaches 18 years of age if more than one year then remains of the defendant's term of imprisonment.

* Sec. 2. AS 12.55.125 is amended by adding a new subsection to read:

(j) A person convicted of a first felony offense after waiver of children's court jurisdiction under AS 47.10.060 is not subject to the mandatory minimum and presumptive sentences required for first offenders.

* Sec. 3. AS 47.10.060 is repealed and reenacted to read:

Sec. 47.10.060. WAIVER OF JURISDICTION. (a) The court shall

order a case closed, and a minor may be prosecuted as an adult, if the court finds at a hearing on a petition

(1) that the minor was 16 years of age or older at the time of the offense and that there is probable cause to believe that the minor has violated AS 11.41.100, 11.41.110, 11.41.300, 11.41.410, or 11.41.434; or

(2) that the minor is not amenable to treatment under this chapter and there is probable cause to believe that the minor is delinquent.

(b) In determining whether a minor is amenable to treatment under this chapter, the court shall consider

(1) the seriousness of the offense;

(2) whether the offense constituted a substantial danger to the public;

(3) whether the offense was committed in an aggressive, violent, premeditated, or wilful manner;

(4) whether the offense was against persons or against property, greater weight being given to an offense against persons, especially if personal injury resulted;

(5) whether the offense is a part of a repetitive pattern of delinquent acts, even though previous offenses may have been less serious;

(6) the age, maturity, educational background, and degree of criminal sophistication of the minor;

(7) the success of any previous attempts to rehabilitate the minor;

(8) whether children's court jurisdiction over the minor can be retained long enough to allow for effective treatment or rehabilitation; and

(9) the treatment resources available under children's court proceedings.

(c) The court shall determine the weight to be given to each of the factors listed in (b) of this section and shall issue a written decision. A finding that a minor is not amenable to treatment under this chapter may be based on any one or a combination of the factors.

(d) A minor ordered held pending trial or sentencing as an adult under (a) of this section shall be confined in an institution designated by the Department of Health and Social Services for offenders under 18 years of age.

* Sec. 4. AS 47.10 is amended by adding a new section to read:

Sec. 47.10.125. FINGERPRINTING OF MINORS. (a) A law enforcement agency or the Department of Health and Social Services may fingerprint a minor only

(1) in accordance with a search warrant;

(2) if children's court jurisdiction over the minor has been waived under AS 47.10.060(a) and the minor is being prosecuted as an adult;

(3) if the minor is adjudicated a delinquent for the commission of an offense that would constitute a felony if committed by an adult;

(4) with the consent of the minor and a parent or legal guardian of the minor, both of whom shall have been advised that the fingerprints may not be taken without their consent; or

(5) by order of the court.

(b) Fingerprints of a minor shall be kept separate from those of adults, shall be kept within the state rather than at a federal central depository, and shall be made available on request only to the following:

(1) a public agency for use in the investigation and prosecution of criminal offenses for which the fingerprinted minor is a suspect;

(2) the minor or the minor's attorney.

(c) Fingerprints of a minor taken under this section shall be destroyed by the authority charged with their maintenance

(1) if the minor is adjudicated for the offense regarding which the minor's fingerprints were taken and is found not to be within the jurisdiction of the court for the offense; or

(2) if the minor is not adjudicated for the offense regarding which the minor's fingerprints were taken within two years of the date the fingerprints were taken.

* Sec. 5. AS 47.10.130 is amended to read:

Sec. 47.10.130. DETENTION. A [NO] minor under 18 years of age who is detained pending hearing may not be incarcerated in a jail unless assigned to separate quarters so that the minor cannot communicate with or view prisoners 18 years of age or older except those incarcerated under AS 47.10.100 [ADULT PRISONERS CONVICTED OF, UNDER ARREST FOR, OR CHARGED WITH A CRIME]. When a minor is detained pending hearing, the minor's parent, guardian, or custodian shall be notified immediately.

* Sec. 6. AS 47.10.190 is amended to read:

Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court commits a minor to the custody of the department, the department shall arrang to place the minor [JUVENILE] in a detention home, facility or another suitable place that [WHICH] the department designates for that purpose. A minor [JUVENILE] detained in a jail or similar institution at the request of the department shall be held in custody in a room or other place apart and separate from prisoners 18 years of age or older

except those incarcerated under AS 47.10.100 [ADULTS].

* Sec. 7. Rule 24, Alaska Rules of Children's Procedure, is amended to read:

No child shall be [FINGERPRINTED OR] photographed while in custody except with the consent of the children's court upon good cause shown. Such cause exists where the child is in custody for a serious offense against persons or property or where identification of the child appears necessary for the safety of the child or others.

* Sec. 8. Section 7 amends Rule 24 of the Alaska Rules of Children's Procedure by deleting the reference to fingerprints.

* Sec. 9. Rule 24, Alaska Rules of Children's Procedure, is amended by adding a new subsection to read:

(b) A child may not be fingerprinted while in custody except in accordance with AS 47.10

* Sec. 10. Section 9 amends Rule 24 of the Alaska Rules of Children's Procedure by incorporating the statutory requirements for obtaining fingerprints from a child in custody.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : Proposed CS SB 264
Title : An Act relating to unlawful conduct of minors.

Sponsor : _____
Requestor : _____
Date of Request : 3/12/86

FISCAL DETAIL

Agency Affected : Health & Social Services
BRU : Youth Services

Components : McLaughlin Youth Center

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES			840.5	840.5	840.5	840.5
TRAVEL			4.4	4.4	4.4	4.4
CONTRACTUAL			72.5	72.5	72.5	72.5
SUPPLIES			76.2	76.2	76.2	76.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS			42.8	42.8	42.8	42.8
MISCELLANEOUS						
TOTAL OPERATING		-0-	1,036.4	1,036.4	1,036.4	1,036.4
CAPITAL		2,216.2				
REVENUE		-0-				

FUNDING : (Thousands of Dollars)

GENERAL FUND		2,216.2	1,036.4	1,036.4	1,036.4	1,036.4
FEDERAL FUNDS						
OTHER						
TOTAL		2,216.2	1,036.4	1,036.4	1,036.4	1,036.4

POSITIONS :

FULL-TIME		-0-	19	19	19	19
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See Attached

Prepared by : Michael L. Price, Director
Division : Family and Youth Services
Phone : 465-3170
Date : 3/12/86

Approved by Commissioner : John R. Pugh
Agency : Department of Health and Social Services
Date : 4/5/86

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

Based on analysis of arrest data, waiver data, and sentencing information, this fiscal note assumes 14 youth waived annually who would be sentenced to serve a period of incarceration in DHSS facilities, and for whom additional facility capacity would be required.

Assumptions

1. Analysis of arrest data yields an expected frequency of 12 arrests annually of 16 and 17 year old youth for offenses subject to presumptive waiver under CS SB 264.

2. CS SB 264 would also amend the judicial waiver mechanism establishing a less stringent test for judicial waiver. Based on analysis of 1981-85 waiver data and 77-82 arrest data, and a presumed increase in efforts of prosecutors to achieve waiver of serious offenders, it is assumed that waiver would be attempted in 1 in 10 arrests of 16 and 17 year old youth charged with a class A felony (or an unclassified felony not subject to presumptive waiver). This yields an expected seven additional waiver attempts annually and, presuming a continuation of at least the historic 75% success rate under the existing judicial waiver mechanisms, four additional waivers annually.

3. Based on analysis of past waiver attempts and a less stringent test for judicial waiver, it is assumed that waiver would be attempted in 1 in 50 cases of 12-15 year olds accused of class A or unclassified felony offenses. Analysis of arrest and waiver data indicates an expected frequency of two such waiver attempts annually. Assuming 50% success in waiving these youth because of lower age, one additional waiver annually would be predicted.

4. An 80% conviction rate is assumed because of the historically higher conviction rate for juveniles, and the high conviction rate for most serious crimes. The following expected frequencies of waived and subsequently convicted youth is predicted.

   Sentences are predicted on the basis of exemption of waived youth from mandatory minimum and presumptive sentences under CS SB 264 using range of sentences which may be imposed and actual sentences of previously waived youth as a guide.

Age	Offense	#	Estimated Sentence	Time in DHSS Facility
17	Murder	1	50 years	1 year
16	Murder	1	30 years	2 years
17	Sexual Assault 1°	2	1- 5 years	1 year
	w/a firearm or injury		1- 4 years	1 year
16	Sexual Assault 1° w/a firearm or injury	1	4 years	2 years

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

17	Sexual Assault 1° w/o firearm or injury	2	1- 4 years 1- 3 years	1 year 1 year
16	Sexual Assault 1° w/o firearm or injury	1	3 years	3 years
16	Sexual Abuse of a Minor	1	Probation	0 years
17	Misconduct Involving a Controlled Subscance 1°	1	1- 2 years	1 year
17	Manslaughter	1	2 years	2 years
17	Robbery w/firearm	1	Probation	0 years
16	Robbery w/firearm	1	3 years	3 years
16	Aggravated Assault	1	2 years	2 years
12-15	Unclassified or Class A Felony	1	5 years	5 years
				27 person/yrs.

Note: This does not include waiver of chronically delinquent youth for less serious offenses (e.g. burglary, theft, criminal mischief, etc.). Information indicates that such youth comprised 30% of youth waived during period 1981-85. However, sentencing data is insufficient to predict sentences for youth waived for these lesser offenses.

Program Summary

Pre-adults waived to the adult system cannot be colocated with other juveniles - for two reasons. First, pre-adults who have longer sentences pose a greater security risk; the physical design and arrangement of a maximum security unit must meet the needs of a higher risk population than existing youth facilities are designed to accommodate. Secondly, this population is less motivated to participate in treatment. The average length of stay for a resident currently in a state treatment program is 10 months; pre-adults waived to the adult system will have sentences of several years. Hence, completely different programs are required to respond to this group.

FY 87 Capital Project - One 25 bed detention unit would be built at McLaughlin Youth Center, utilizing the core facilities (gym, kitchen and core services). This unit would be similar to existing housing units at McLaughlin Youth Center. This unit would require some relocation/remodeling of existing site and building and would be located near the current McLaughlin Youth Center detention circulation spine. It is estimated that it would be 7,776 square feet at a cost per square foot of $285 for a total cost of $2,216.2.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

FY 88 The operation of the pre-adult unit would consist of the following staff and costs. Since this is a maximum security unit, three shifts are required. Since this facility is a maximum security unit, a maintenance worker is required to maintain the security systems. An additional cook is necessary because of the requirement of 20% more meals in McLaughlin Youth Center because of the pre-adult unit.

Personal Services

one Unit Leader	$46,072
one Clerk-Typist III	29,896
one Maint. Worker II	48,022
one Cook II	42,850
three Youth Counselor III's	143,127
twelve Youth Counselor II's	530,520
	$840,487

Travel

Field Travel - Transportation of staff to pre-adults rural homes:

$435 x 10 pre-adults = $4,350

Assumption 15 pre-adults would come from Anchorage area.

Contractual

Professional Services:		
Dental Care	$452 x 20 pre-adults	$ 9,040
Medical/Psych.	$396 x 20 pre-adults	7,920
		$ 16,960
Communication:		
$420 per staff x 19 staff		$ 7,980
Advertising, Printing & Binding:		$ 2,000
Public Utilities:		
$13,983 month x .20% (1/5 size of MYC) x 12 months =		$ 33,559
Other Expenditures & Services:		
Laundry Services	$31,205 x .20% =	$ 6,241
Risk Management	$28,591 x .20% =	5,718
		$ 11,959
Interagency transfer, Dept. of Admin., Risk Management non-add	$5,718	
		$ 72,458

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

Supplies

Office Supplies: $20,300 x 20% =	$ 4,060
Agricultural Supplies: $5,700 x 20% =	$ 1,140
Household & Institutional Supplies: $318,100 x 20% =	$ 63,620
Professional & Scientific Supplies: $3,600 x 20% =	$ 720
Other Operating Supplies: $8,600 x 20% =	$ 1,720
Repair & Maintenance Supplies: $24,600 x 20% =	$ 4,920
	$ 76,180

Grants

Travel costs for pre-adults to and from facility: $32,487 x 20% =	$ 6,497
Gratuities for pre-adults: @ $1.25 x 10 hrs/mo x 20 residents x 12 =	$ 3,000
Commissary items: $.45 day x 20 residents x 365 days =	$ 3,285
Clothing purchases for pre-release items: $17,021 x 20% =	$ 3,404
Hospital and psychiatric care: $132,966 x 20% =	$ 26,593
	$ 42,779

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

MAR 1 0 1986

Revision Date: 2/28/86

REQUEST

Bill/Resolution No.: SB 264
Title: "An act relating to unlawful conduct of minors"

Sponsor: Rodey
Requestor: Judiciary
Date of Request:

FISCAL DETAIL

Agency Affected: Department of Administration
BRU: Public Defender Agency

Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		99.8	103.8	108.0	112.3	116.8
TRAVEL		5.0	5.2	5.4	5.6	5.8
CONTRACTUAL		10.0	10.4	5.4	5.6	5.8
SUPPLIES		2.5	2.6	2.7	2.8	2.9
EQUIPMENT		6.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	123.3	122.0	121.5	126.3	131.3
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	123.3	122.0	121.5	126.3	131.3
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

(See Attached)

Prepared by: Dana Rabe, Public Defender
Phone: 279-7541
Division: Public Defender Agency
Date: 2/28/86

Approved by Commissioner: Eleanor Andrews
Date: 3/6/86
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25.85

Fiscal Note Analysis
Prepared by Division of Public Defender Agency
Department of Administration
February 28, 1986

This bill provides that persons 16 or 17 years of age who are charged with unclassified felonies may be automatically prosecuted in adult court upon petition of the District Attorney.

The result of this legislation will be to increase the number of persons age 16 or 17 who are charged and prosecuted as adults for serious felonies. Unclassified felonies are the most serious cases that this agency handles, including Murder, Kidnapping and Sexual Assault cases. Transferring these cases into the more adversarial adult justice system will require a great deal of additional attorney time. When these cases are dealt with in juvenile court, they rarely proceed to trial, while unclassified adult felonies proceed to trial at the highest rate of any cases in our office. Since the additional trials of these most serious types of felonies will require a great deal of additional attorney time, and convictions of these serious offenses will inevitably result in appeals requiring still more attorney time, one full-time Assistant Public Defender will be needed in Anchorage if this bill is enacted.

Fiscal Analysis

Personal Services:	Attorney IV	72.4	
	Clerk-Typist III	27.4	
			99.3
Travel:	Expert witnesses and investigation		5.0
Contractual:	Expert witnesses, space, etc.		10.0
Supplies:	Office, law library, etc.		2.5
Equipment:	(one time) Furniture, office machines, etc.		6.0
	Total		123.3

Position Title	Clerk/Typist III						
Time Status	Staff Months	RP Number	No. of Positions	Range/Step	Barg. Unit	Gov.	Approv.	Disapp
PFT	12.0		1	8A	GG			
Location			Election District			Leg.		
Anchorage			8					

Type of Expenditure		Amount
1	2	3
Salary 1631 x 12	19,572	
Benefits	7,804	
Premium Pay		
Other		
Total Personal Services		27,376
Travel		-0-
Contractual		-0-
Commodities		1,000
Equipment		4,500
Other		
Total Cost		32,876

Receipt Code	Funding Source		Amount
	Federal Receipts	1002	
	G. F. Match	1003	
	General Funds	1004	32,876
	I-A Receipts	1007	
	Program Receipts	1028	
	CIP Receipts	1061	
	Other		

For B&M Use Only
Key Number __ __ - __ __ - __ __ - __ __ - __ __

Justification

The enactment of the juvenile waiver bill will result in additional unclassified felonies for this agency. A clerk typist III is requested for Anchorage to provide necessary support services.

Request For New Position

Agency: Department of Administration
BRU: Public Defender Agency
Component: Third Judicial District

Revised Date

FY 87

Position Title	Time Status	Staff Months	RP Number
Attorney IV	PFT	12.0	

No. of Positions	Range/Step	Barg. Unit	Gov.	Approv.	Disapp
1	24A	PX			

Location	Election District	Leg.
Anchorage	8	

Type of Expenditure	1	2	Amount 3
Salary	4687 x 12	56,244	
Benefits		16,109	
Premium Pay			
Other			
Total Personal Services			72,353
Travel			5,000
Contractual			8,000
Commodities			1,500
Equipment			1,500
Other			
Total Cost			87,853

Receipt Code	Source		
	Federal Receipts	1002	
	G. F. Match	1003	
	General Funds	1004	87,853
	I-A Receipts	1005	
	Program Receipts	1028	
	CIP Receipts	1061	
	Other		

For B&M Use Only
Key Number ___ - ___ - ___ - ___ - ___

Justification

This fulltime Attorney IV position will be needed to handle the additional serious cases that will result from enactment of the juvenile waiver bill. The full working level of Attorney will be required because those cases to be tried will be unclassified felonies, which are the most serious criminal offenses.

Request For New Position

Agency: Department of Administration
BRU: Public Defender Agency
Component: Third Judicial District

FY 87

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST:

Bill/Resolution No.: SB 264

Title: "An Act relating to unlawful conduct of minors; and amending Rule 24 of the Alaska Rules of Childrens Procedures."

Sponsor: Senator Rodey

Requestor: (S) HESS

Date of Request: April 25, 1985

FISCAL DETAIL:

Agency Affected: DEPARTMENT OF CORRECTIONS

Program Category Affected: Administration of Justice

BRU, Program or Subprogram(s) Affected: Offender Confinement, Reformation and Supervision

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary.

This legislation will have no fiscal impact on the Department of Corrections.

Prepared By: William W. Ladwig — Phone: 465-3376

Division: Deputy Commissioner - Administration — Date: April 25, 1985

Approved by Commissioner: — Date: April 25, 1985

Agency: DEPARTMENT OF CORRECTIONS

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 264
Title : An Act Relating to Detention and Unlawful Conduct of Minors

Sponsor : Rodey, Faiks, Abood
Requestor : Senate HESS
Date of Request : 2/26/86

FISCAL DETAIL

Agency Affected : Alaska Court System
BRU : Trial Courts

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No fiscal impact. Based on information provided by Department of Health and Social Services, an additional 12-14 juveniles will be waived to adult court for trial. Fiscal impact of additional trials to be absorbed by existing staff.

Prepared by : Robert G. Fisher — Phone : 264-8215
Division : Alaska Court System — Date : 2/28/86

Approved by Commissioner : Arthur H. Snowden, II — Date : 2/28/86
Agency : Alaska Court System

Distribution (by Agency preparing fiscal note) :
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

FEB 25 [illegible]

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSSB 264 (HESS)

Neutral

February 21, 1986

The Department supports the provisions of Sections 1 - 7.

Section 8, AS 47.10.125 (g), requires that we maintain files separate from adults. This would serve no practical purpose since our files are kept in a computer. We could keep them in state witnout a problem and the hard copy could be kept in separate cabinets, but the data from the minutia should be in the computer.

Fingerprints obtained under this section should not be purged.

Prince George County in Maryland has an Automated Fingerprint System. They also fingerprint juveniles. They found their data base consists of 6% juveniles and 94% adults. Over half of the latent prints identified, using their equipment, are identified as juvenile prints contained in their files.

Robert J. Sundberg

Sec. 47.10.060. Waiver of jurisdiction. (a) If the court finds at a hearing on a petition that there is probable cause for believing that a minor is delinquent and finds that the minor is not amenable to treatment under this chapter, it shall order the case closed. After a case is closed under this subsection, the minor may be prosecuted as an adult.

(b) *[Repealed, § 8 ch 110 SLA 1967.]*

(c) *[Repealed, § 8 ch 110 SLA 1967.]*

(d) A minor is unamenable to treatment under this chapter if the minor probably cannot be rehabilitated by treatment under this chapter before reaching 20 years of age. In determining whether a minor is unamenable to treatment, the court may consider the seriousness of the offense the minor is alleged to have committed, the minor's history of delinquency, the probable cause of the minor's delinquent behavior, and the facilities available to the division of youth and adult authority for treating the minor.

(e) A person who has been tried as an adult under this section, or the Department of Health and Social Services on the person's behalf, may petition the superior court to seal the records of all criminal proceedings, except traffic offenses, initiated against the person, and all punishments assessed against the person, while the person was a minor. A petition under this subsection may not be filed until five years after the completion of the sentence imposed for the offense for which the person was tried as an adult. If the superior court finds that the punishment assessed against the person has had its intended rehabilitative effect, the superior court shall order the record of proceedings and the record of punishments sealed. Sealing the records restores civil rights removed because of a conviction. A person may not use these sealed records for any purpose except that the court may order their use for good cause shown or may order their use by an officer of the court in making a presentencing report for the court. (§ 9 art I ch 145 SLA 1957; am § 1 ch 118 SLA 1962; am §§ 3, 8 ch 110 SLA 1967; am § 6 ch 104 SLA 1971; am § 13 ch 63 SLA 1977)

Cross references. — For hearings before the juvenile court, see AS 47.10.070. See also, Children's Rule 3, Alaska Rules of Court.

NOTES TO DECISIONS

Non-criminal treatment of child offenders is to be rule. — The statutory framework for dealing with child offenders contemplates that non-criminal treatment is to be the rule and adult criminal disposition the exception. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

Section provides means to determine amenability to treatment available for child offenders. — The waiver procedure set out in this section and in Rule of Children's Procedure 3 provides the means by which the children's court judge determines, prior to adjudicating the delinquency petition, that an accused child is not a suitable subject for the treatment available for child offenders. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES
FEBRUARY 18, 1986
1:36 P.M.

MEMBERS PRESENT:

Senator Bettye Fahrenkamp, Chairman
Senator Edna DeVries
Senator Joe Josephson
Senator Arliss Sturgulewski

MEMBERS ABSENT:

Senator Paul Fischer

COMMITTEE CALENDAR:

SB 264: Relating to detention and unlawful conduct of minors.

Sunset Review: Board of Nursing Home Administrators.

Sunset Review: Board of Dental Examiners.

WITNESS REGISTER:

Mike Price, Director
Division of Family and Youth Services
P.O. Box H-05
Juneau, AK 99811
Position Statement: Opposed to automatic waiver in CSSB 264.

James Vaden, Deputy Commissioner
Department of Public Safety
450 Whittier St.
Juneau, AK 99801
Position Statement: Opposed to Section 9, CSSB 264.

Margot Dick
310 Irwin St.-B
Juneau, AK 99801
Position Statement: Opposed to CSSB 264.

Jennifer Strickler
Division of Occupational Licensing
P.O. Box D
Juneau, AK 99811
Position Statement: Support legislative audit findings for Board of Nursing Home Administrators; recommends continuance of the Board of Dental Examiners as is.

Ruth Roth
P.O. Box 479
Sitka, AK 99835

Position Statement: Overview, Board of Nursing Home Administrators.

Merle Jensen, Deputy Auditor,
Division of Legislative Audit
P.O. Box W
Juneau, AK 99811
Position Statement: Support legislative audit of Board of Dental Examiners.

Dr. Paul Buxton
P.O. Box 1376
Soldotna, AK 99669
Position Statement: Overview, Board of Dental Examiners

PREVIOUS ACTION:

SB 264, Please refer to committee minutes dated 04/30/85 in HESS Committee.

ACTION NARRATIVE
February 18, 1986

TAPE ONE, SIDE ONE

Number 036

Senator Josephson moved and asked unanimous consent to bring CSSB 264 before the Committee. There were no objections.

Number 095

Mike Price, Director, Division of Family and Youth Services stated that the Division is opposed to the automatic waiver provision of SB 264. He stated the present system of case-determinant waiver is working well. With adequate evidence, juveniles can be waived to adult court for crimes ranging from murder to minor in possession. He indicated that of the 26 waivers requested from 1983 to 1985, 75% were granted. In the present system, the focus is on prospects for rehabilitation of the juvenile and past criminal behavior. Age, the basis for waiver in SB 264, is too limiting a factor, Price noted.

Number 384

Price displayed several charts. The first showed a 15% increase in juvenile population in Alaska between 1979 and 19[illegible], the second showed that of the total crimes committed, the number committed by adults is increasing while the number committed by juveniles has remained stable. The third chart indicated that the rate of both juvenile and adult offenses is decreasing. Chart #4 displayed the flow of juvenile offenders through the court system. Of those

arrested, most aren't detained, and of those who are, only 1/6 are adjudicated, Price said. Chart #5 showed an increase in juvenile probation services and detention. Price said these increases are due to the system being "hard on crime" and focusing resources on juvenile offenders.

TAPE ONE, SIDE TWO

Number 063
James Vaden, Deputy Commissioner, Department of Public Safety, addressed the issue of fingerprinting of juveniles in Section 9 of CSSB 264. He said that fingerprints of juveniles should be kept in the same files as fingerprints of adults to allow the Department automatic access to them. He stated that the Department has no position on CSSB 264.

Number 269

Margot Dick, representing the Alaska Women's Lobby, stated that the organization opposes SB 264 because the waiver is based on age, rather than case determination.

Number 345

Jennifer Strickler, Assistant to the Director, Division of Occupational Licensing, stated that the Division supports the findings of the legislative audit for the Board of Nursing Home Administrators and suggests decreasing the number of board meetings to help reduce expenses.

Number 382

Ruth Roth, Chairperson, Board of Nursing Home Administrators, stated that the Board has no objection to decreasing the board membership as recommended by the audit, although, due to the increasing age of the population in Alaska and the expected need for more nursing homes, there may eventually be a need to increase the membership again.

Number 474

Senator Pat Rodey, sponsor of SB 264, joined the meeting and made a brief statement in support of CSSB 264.

Number 513

Jennifer Strickler said that the Division recommends that the Board of Dental Examiners be continued. She explained that regulations addressing continued competence are being drafted, and that the board ceased licensing by credentials in 1985 upon a finding by the Attorney General that the Board's credential review procedure was inconsistent with the law.

Number 661

Merle Jensen, Deputy Legislative Auditor, addressed recommendation #2 in the audit which recommends that the Board allow for licensure by credentials. He stressed that the statute governing credentials is permissive.

Number 813

Dr. Paul Buxton, member, Board of Dental Examiners, stated that the quality of students sitting for the dental exam is decreasing. He noted that licensure by exam is preferred over licensure by credentials, and suggested repealing the credentials provision.

TAPE TWO, SIDE ONE

Number 300

Senator Fahrenkamp recommended sending a letter to the Senate President stating that the Committee will be introducing legislation to continue the Board of Nursing Home Administrators with a decrease in membership, and allowance for one meeting a year. Fees, she said, should be assessed to a break even point. She adjourned the meeting at 3:30 p.m.

Alaska State Legislature

Advisory Council Members
Senator Kerttula, Chairman
Senator Bennett
Senator Fahrenkamp
Senator Vic Fischer

Pouch V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: SENATOR VICTOR FISCHER
FROM: ELIZABETH J. NICKERSON
RE: JUVENILE WAIVER STATISTICS
DATE: JANUARY 29, 1984

The following information reflects the number of requested juvenile waivers and the number denied, granted or pending over the last five years in the State of Alaska.

1st Judicial District
5 waivers requested, 2 granted, two denied and one withdrawn

2nd Judicial District
1 waiver requested, granted

3rd Judicial District (since Sept. 1978)
7 waivers requested, 5 granted, 1 denied, 1 pending
(additional information attached for 1967-76)

4th Judicial District
4 waivers requested, 3 granted, 1 denied

Total: 17 waivers requested: 11 granted, 4 denied, 1 pending, 1 withdrawn

Attached are letters supporting these statistics from Jay Warner, Children's Intake Officer, 3rd Judicial District and Sharon Henson, Administrative Assistant, Alaska Court System.

If I can be of further assistance on this matter, please contact my office.

DIVISION OF FAMILY AND YOUTH SERVICES
STATISTICS 1-15-86

	FY 1978	FY 1983	FY 1985
I. At Risk Population	135,218	153,536	171,000
	---------- 26% increase ----------		

Youth Services	CY 1980	CY 1985	%INCREASE /CHANGE	
Average # youth under probation supervision	847	1,448	+71%	Focusing more resources
# youth admitted to youth services detention facilities	1,198	1,995	+67%	
Average daily census/youth services detention facilities	45.4	88.2	+95%	
# youth admitted to youth services treatment facilities	86	171	+99%	
Average daily census/youth services treatment facilities	83.5	11.7	+33%	

II. Intices of juvenile crime indicate continued decreases for the last seven (7) years.

	1979	1980	1981	1982	1983	1984	1985
Total arrests	5,697	5,569	6,128	5,509	5,349	5,250*	----
Total intakes	-0-	5,857	6,368	6,079	6,188	6,318	6,212
Arrest rate per 1000 0-18 years	43.15	42.59	42.99	36.35	33.41	31.42	N/A
Intake rate per 1000 0-18 years	N/A	44.79	44.46	40.08	38.65	37.82	36.3

*Projection based on partial Department of Public Safety 1985 statistics.

III. Total arrest for juvenile violent crimes.

Murder	3	2	2	8	2	N/A	N/A
Manslaughter	0	0	0	0	2	N/A	N/A
Rape	13	7	8	14	29	N/A	N/A
Robbery	32	25	23	13	10	N/A	N/A
Aggrevated Assault	46	82	59	86	75	N/A	N/A
Total Juvenile Arrests for Violent Crimes	94	116	92	121	118	N/A	N/A
Juvenile Arrest Rate Violent Crimes per 1000	.71	.88	.64	.79	.70	N/A	N/A

IV. Information for Anchorage and Fairbanks

	1979	1980	1981	1982	1983	1984	1985
Total Intakes Anchorage	2,431	2,270	2,741	2,235	2,283	2,111	2,156
Total Juvenile Arrests Anchorage	1,997	1,927	2,266	1,863	1,957	N/A	N/A
Total Intakes Fairbanks	1,296	1,339	1,323	1,163	1,108	953	798
Total Juvenile Arrests Fairbanks	445	483	526	391	362	N/A	N/A

V. Twenty six (26), or 75% of petitions for waiver have been granted. (Information for years 1983 to 1985.)

Murder, First Degree	10
First and Second Degree Sexual Assault (or attempts)	5
Burglary	4
Second Degree Theft	1
Second Degree Criminal Mischief	1
Possession of Marijuana	1
Minor Consuming	1
TOTAL	26

VI.

	FY 1981	FY 1985
Youth Services BRU	7,318.7	13,545.3
Foster Care	1,338.6	1,936.9
Institutional Care	1,139.2	1,207.6
TOTALS	9,796.5	16,689.8

+ facilities built/expanded.
46%
None
S.E. - Johnson Center, Juneau
Anchorage

40% expansion in 4 yrs.

2-18-86

DIVISION OF FAMILY AND YOUTH RECIDIVISM STUDY

In FY 82, the Division of Family and Youth Services initiated a study of recidivism amo those delinquents released from DFYS' institutional treatment programs who have reached a 18. The study tracks the adult criminal records of youth released in each fiscal yea Those released during FY 81 have been traced nearly 5 years, and those released in ea succeeding fiscal year have been tracked proportionately less time from the time of the release to January, 1986.

Because of limited staff resources and time, and because the youth studied represent the mo serious of delinquent youth, the study was limited to felony arrests. The following summarizes the results to date.

The study shows that of 482 youth released, 356, or 74% have not been re-arrested for felony. Of the 26% who have been arrested for felonies, 60% have committed only one felo offense. A small group of multiple offenders -- 5% of the youth released--are responsible for 40% of felony offenses committed by the group of youth released.

YOUTH DISCHARGED FY 81 - FY 85

Total Discharged	Number Arrested for Felony	% Arrested for Felony	# Not Arrested for Felony	% Not Arrested for Felony
482	126	26%	356	74%

BREAKDOWN OF OFFENSES BY YOUTH ARRESTED

Total Offenses		Unclassified Felony	A Felony	B Felony	C Felony
#	217	1	15	54	141
%	100	Less than 1%	7%	26%	67%

"Comm Youth" 13

Municipality of Anchorage

POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-6730

TONY KNOWLES, MAYOR

COMMISSION YOUTH
825 "L" Street

December 26, 1985

Senator Patrick Rodey
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Rodey:

Earlier this year you had asked the Anchorage Commission on Youth to respond to SB 264, an act relating to juvenile waiver. After researching and discussing the issue, the Commission unanimously voted to not support any proposed legislation to change the waiver laws and submit the following testimony to you and other concerned lawmakers.

To begin with, the Commission was unable to come up with any solid reasons to change the waiver laws. We feel it is a "non-issue", having been brought to the forefront of public discussion because of a few isolated incidences of juvenile crime.

As it exists now, there have been very few cases involving serious violent crimes that prosecutors have been unable to obtain a waiver of jurisdiction. Your answer to this fact has been that prosecutors are unwilling to attempt waiver because it is time consuming and difficult to prove that the minor is not amenable to treatment under the current system. The Commission responds to this charge in two ways. First, should not the process of waiver be difficult, inherently possessing a number of checks and balances before the child offender is committed to a life behind bars? Second, it would seem unprofessional for prosecutors to say they are not willing to do their publicly mandated work of protecting the people because it is time consuming. If this is the case, then we suggest hiring more prosecutors.

The second point that the Commission would make is that it was less than five years ago that the responsibility for juvenile offenders switched from the Division of Corrections to Family & Youth Services. In the recent report on Juvenile Justice in Alaska, prepared by D.F.Y.S., it appears that this switch was indeed a wise decision by our lawmakers. "Despite widespread and persistent beliefs, juvenile crime in Alaska is neither increasing or

becoming more violent," says the first sentence in this report. Automatic waiver is a regression back to an old system that had few sucesses in rehabilitating juvenile offenders. In a few short years, the state has made significant strides in prevention and early intervention when it comes to juvenile crime. The data shows that this emphasis has worked and can continue to work with continued funding.

Though we have not seen a fiscal note for SB 264, or its House compliment, HB 205, we have seen fiscal notes for similar bills introduced in other years. One of these bills, CSHB 109 (1983), puts the cost around $1.5 million. In a time of fiscal constraint, the Commission does not believe that expenditures for additional prison cells to house juveniles is warranted, particularly if these costs would negatively effect expenditures for prevention and early intervention.

Finally, the Commission would like to respond to the popular claim that by passing an automatic waiver law, the community sends a strong message to juveniles that they will be severely dealt with when committing a violent crime. Frankly, we have never seen any data to support this claim and doubt that a potential juvenile offender is likely to reconsider before commiting a violent and/or heinous crime against another person, if he/she knew that they would be "severely dealt with". Granted, some youth have been exploited by others to believe that they will not get in trouble for commiting a crime because they are a juvenile. This, we fear, will never change, as there will always be vulnerable young people who will believe the lies of exploitive adults, unless, of course, we educate them first, regarding our laws and legal system. Educational programs like the Police/School Liaison Project, jointly funded by the Municipality and the Anchorage School District, sends a far clearer message to young people about crime and punishment than SB 209 or HB 205 ever could.

Thank you for the opportunity to respond to this issue.

Sincerely,

Dean W. Kriner, Jr.
Chairman

cc: Members of Senate H.E.S.S. Committee
Members of Senate Judiciary Committee
Members of House H.E.S.S. Committee
Members of House Judiciary Committee
Members of House Finance Committee
Patrick Reinhart, Staff Support/Commission on Youth
Jewel Jones, Director, Department of Health & Human Services
John Franklin, Commissioner of Public Safety, M.O.A.
Chip Dennerlein, Intergovernmental Affairs, M.O.A.
Dave Walsh, Chairman, Anchorage Assembly